

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PRETRIAL CONFERENCE
TRANSCRIPT OF THE TRIAL
BEFORE THE HONORABLE A. JOE FISH

13 | APPAREANCE S:

For the Government: MR. JIM JACKS
 MR. BARRY JONAS
 MS. ELIZABETH SHAPIRO
 MR. NATHAN GARRETT
 Assistant United States Attorney
 UNITED STATES DEPARTMENT OF JUSTICE
 NORTHERN DISTRICT OF TEXAS
 U.S. Courthouse
 1100 Commerce Street
 Dallas, Texas 75242
 214/659-8600

For the Defendant Shukri Baker:

MS. NANCY HOLLANDER
MS. TERESA DUNCAN
FREEDMAN BOYD DANIELS
HOLLANDER
20 First Plaza, Suite 700
Albuquerque, NM 87102
505/842-9960

18:00 1 For the Defendant El-Mezain:

2
3 MR. JOSHUA DRATEL
4 MR. AARON J. MYSЛИWIEC
5 LAW OFFICE OF JOSHUA L. DRATEL
6 14 Wall Street, 28th Floor
7 New York, NY 10005
8 212/732-0707

9
10 For the Defendant Mufid Abdulqader:

11 MS. MARLO CADEDDU
12 LAW OFFICE OF MARLO P. CADEDDU
13 3232 McKinney Avenue, Suite 700
14 Dallas, Texas 75204
15 214/744-3015

16 For the Defendant Elashi:

17 MS. LINDA MORENO
18 LAW OFFICE OF LINDA MORENO
19 PO BOX 10985
20 Tampa, Florida 33679
21 813-247-4500

22 MR. JOHN D. CLINE
23 Jones Day
24 555 California St
25 26th Floor
San Francisco, CA 94104-1500
415/875-5812

18:00 1 For the Defendant Odeh:

2
3 MR. GREG WESTFALL
4 WESTFALL PLATT CUTRER
5 Mallick Tower
6 One Summit Avenue, Suite 910
7 Fort Worth, Texas 76102
8 817/877-1700

18:00 7 Court Reporter: Cassidy L. Casey, CSR No. 1703
8 1100 Commerce Street, Rm 15D6L
9 Dallas, Texas 75242
10 214-254-3139

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

18:00 1

P R O C E E D I N G S:

2 THE COURT: This is a pretrial conference in the
3 case of United States against Holy Land Foundation and
4 Others, which is our Docket Number 3:0 4-240-G. I have a
5 number of matters on my agenda that I wanted to cover with
6 you, and if you have other matters, we will take those up
7 at the appropriate time.

18:00 8

9 First, I think about two or three months ago I
10 put out an order called Order Regarding Conduct of Trial.
11 And I know there are voluminous pleadings in this case so
12 you might have some difficulty locating it, but that's my
13 effort to reduce to writing the way I do things the
14 courtroom in trial. I have tried cases with Mr. Jacks but
15 I don't remember that I have worked with any of the rest
16 of you before. So I would like you to be familiar with
that order by the time we commence trial.

17

18 I want to be sure now I have all the pretrial
19 materials that the parties intend to give us such as
witness lists, exhibit lists, voir dire questions and so
forth. Do we have those from the government?

21

22 MR. JACKS: Yes, sir. We will be amending, but
you have the original.

23

24 MS. HOLLANDER: Same for us. We will be
amending, but you do have a witness and exhibit list.

25

MR. DRATEL: Your Honor, the voir dire, we had

18:00 1 asked and been granted permission to await the
2 questionnaire so that we could focus those questionnaires
3 more appropriately.

4 THE COURT: And I do want to discuss that in
5 more detail in my agenda here, but thanks for that
6 clarification, Mr. Dratel.

7 Since we have exhibit lists from both sides,
8 have each side seen the other side's exhibits? Have those
9 documents been exchanged?

10 MS. HOLLANDER: Most of them. I think we are
11 missing some, and the government may be missing some, but
12 we're continuing to communicate about what we're missing.
13 Some of the government's were misidentified, and I think
14 maybe ours were, too, but at this point we're working
18:00 15 those issues out.

16 MR. JACKS: Yes, sir.

17 THE COURT: Do you intend to have a set of
18 exhibits for the Bench?

19 MR. JACKS: Yes, sir.

20 MS. HOLLANDER: We're assuming you wanted them
21 later because they are voluminous.

22 THE COURT: And that raises another question
23 now. I have a letter dated June 15, 2007 on the
24 letterhead of the Dallas Morning News over the signature
25 of a man named Jason Trahan who says that he's a reporter,

18:00 1 and he anticipates covering this trial and he says -- I'll
2 quote a portion of it. "While I do not wish to interrupt
3 the Court's business in any way, I would like to insure
4 that I am able to gain access to the evidence on the same
5 day it is introduced. This is so I am able to fully
6 understand what's going on and be able to report
7 accurately and with appropriate context. Otherwise, I
8 will not be able to read documents which I will have to be
9 writing about on a daily deadline because they are
10 discussed in Court. In a prior case involving some of the
11 defendants, I have been told that Judge Lindsay had been
12 given copies of admitted exhibits at the end of each trial
13 day. Using a portable document scanner the
14 reporter scanned documents, and the court reporter oversaw
18:00 15 the newspaper representatives' inspection to maintain the
16 document's integrity. I do not expect to be able to
17 rummage through evidence on my own." So I think we should
18 try to make evidence accessible to the press on a daily
19 basis, and if the parties have all of their documents in
20 electronic media, maybe we could make a disk available to
21 the media if that's practicable. I don't know whether it
22 is or alternatively let them scan the paper documents.

23 MR. JACKS: I guess the first thing that comes
24 in my mind is, if the disk would have all the exhibits
25 some of which --

18:00 1 THE COURT: I don't know if that's practical or
2 not. I know some editing would be involved.

3 MR. JACKS: That was our concern in the earlier
4 trial. We didn't want it to fall upon us to be taking
5 time out of our day to make copies for them. As far as,
6 you know -- I don't know how much work it would take to
7 burn or select -- Okay, these have been admitted today.
8 Burn these to a CD and give them to him. I guess we would
9 just have to think about that.

10 THE COURT: Are we going to have paper documents
11 that we could scan if he wants to do that?

12 MR. JACKS: Yes.

13 THE COURT: Well, maybe we should do what he's
14 requested then, just let him access to the paper documents
18:00 15 at the end of each day that have been admitted during that
16 trial day.

17 MR. JONAS: Your Honor, in the Infocom case
18 before Judge Lindsay the Dallas Morning News acted as a
19 liaison to the rest of the press. So that may be a good
20 idea.

21 MR. JACKS: Well, both of them. To say they
22 were the pool may be a bit of an exaggeration.

23 MS. HOLLANDER: I think neither side wants them
24 to have something that was denied or may not have been
25 admitted. And there is another wrinkle, and that is Mr.

18:00 1 McGonigle, who's a Dallas Morning News reporter is on the
2 witness list.

3 MS. SHAPIRO: He won't be covering the trial.

4 MS. HOLLANDER: Yes, but is he going to get the
5 exhibits.

6 MR. DRATEL: Your Honor, there is something in
7 the letter that says I can't do it all myself. I want to
8 scan it. He may want to bring it back to the office who
9 are familiar with the case. It's Mr. McGonigle, and
10 that's a Rule 615 issue.

11 MR. JACKS: I thought he was saying he would
12 need help from a court clerk or personnel.

13 THE COURT: I don't think he says anything in
14 there about giving the documents to anybody else. But I
18:00 15 read it too quickly.

16 MR. DRATEL: He says I don't expect to be able
17 to rummage through evidence on my own. I guess Mr. Jacks
18 is right. It seemed to me he was going to be getting help
19 from the office, but if it's from a witness, we need to
20 oppose that.

21 THE COURT: Well, I agree with that. I didn't
22 realize that Mr. McGonigle is still with the Dallas
23 Morning News. I recognize he was a reporter in the past,
24 but I haven't seen any stories recently.

25 MS. SHAPIRO: He's still there, but he won't be

18:00 1 covering the case because he's a witness.

2 THE COURT: But in my event, before we agree to
3 Mr. Trahan's request, I need to ascertain that he would be
4 the only one going through the documents and not sharing
5 them with anyone at the Dallas Morning News.

6 MS. HUDSON: Is it okay that he acts as the
7 liaison with any other media? I just got a call during
8 the week about someone interested in the same thing.

9 THE COURT: Well, we might ascertain whether Mr.
10 Trahan is willing to do that, and we'll tell anybody else
11 who inquires they need to contact Mr. Trahan.

12 Let me go back to the subject of exhibits for
13 the moment. I know we have this electronic courtroom so
14 this question is a bit obsolete, but do you anticipate
18:00 15 having any large exhibits or photographs like charts or
16 maps or do you intend to use the electronic?

17 MR. JACKS: We intend to use the electronic.

18 MR. GARRETT: We will, your Honor.

19 MR. JACKS: And as far as how big they are --

20 MR. JONAS: They are a poster size. The record
21 will reflect. Right here.

22 THE COURT: Just be sure the defense has seen
23 those before they are displayed to the jury so if there is
24 any objection I can rule ahead of time.

25 MS. HOLLANDER: We do have some charts and maps.

18:00 1 Whether we're going to blow them up or not, I don't know.
2 But we'll tell the government also.

3 MR. DRATEL: Just one thing. While we're on the
4 subject of electronic system in the courtroom -- and we
5 had a training session yesterday -- and with respect to
6 your Honor's court rules, I want to know how your Honor
7 wants to do it. The reason I ask is it's an extra step
8 that takes time, and if it's the Rule that's fine. I just
9 want to know. And that's the function. Before the jury
10 gets to see a document that's placed on the document
11 camera or the lap top, is the jury off? That's controlled
12 from the Bench? And I don't know if the Court does that
13 or whether the deputy does that, and the question is
14 obviously the Court's rules say only address the Court,
18:00 15 not the deputy. If we ask the Court and then the Court
16 directs the deputy or can we direct the deputy at the same
17 time?

18 THE COURT: Well, Ms. Hudson is my courtroom
19 deputy, and in most cases she's not in the courtroom after
20 the jury selection. Unfortunately, that leaves me to
21 operate the equipment, and I'm technologically challenged,
22 as you will find when we get under way.

23 MR. DRATEL: That's fine. If you are going to
24 be doing it, it makes it easier.

25 MS. HOLLANDER: The other thing we heard, are

18:00 1 the witness and the jury are controlled by the same
2 button? So we may have to approach the witness with the
3 actual document before we turn on the button?

4 THE COURT: Well, I'm sure there will be a
5 learning curve for all of us as we get started.

6 MR. JACKS: May I ask a question?

7 THE COURT: Yes, sir.

8 MR. JACKS: Will you have your own lap top?

9 MS. HOLLANDER: Yes, we have a lap top and a
10 paralegal who will be sitting behind the seats right
11 behind counsel with a lap top, and then looking at the
12 screen, that's one of the screens that's there. That's
13 the way --

14 MR. JACKS: I was just wondering. I have never
18:00 15 had a trial where both sides were using their own lap top.
16 I have had it where there was one lap top and if the
17 defense had electronic exhibits, then they would have been
18 either by CD or something loaded into the one government
19 lap top, and I don't know if -- I don't know --

20 THE COURT: Did I understand correctly that both
21 sides are going to have paralegals operating this
22 equipment and that they have had the training from the
23 Clerk's Office?

24 MS. HOLLANDER: Our paralegal has had the
25 training, yes.

18:00 1 THE COURT: Do we have audio tapes or video
2 tapes?

3 MR. JACKS: Yes, sir.

4 THE COURT: And I guess you will be playing
5 those from the lap tops, also.

6 MR. JACKS: Yes, they have been digitized.

7 THE COURT: I had the impression from our
8 Kastigar hearing the other day that the government had
9 certain transcripts that it intends to rely on. I just
10 wanted to cover with everybody what my understanding is of
11 the law in our circuit on admission of transcripts. There
12 is a Fifth Circuit pattern instruction that's been used
13 numerous times -- approved by the Circuit I think in
14 virtually all instances -- that I should instruct the jury
15 that where a transcript is involved that it's only
16 secondary evidence, that the primary evidence is the tape
17 recording or video tape and that they are the sole judges
18 of who the speakers are and what the content of the
19 conversation is. It not infrequently occurs that there is
20 a dispute between the prosecution and the defense on
21 whether a transcript is accurate. As I understand the law
22 of the Circuit, that's not a grounds for denying admission
23 to a transcript. Rather, the remedy is if there is a
24 disagreement, for each side to produce their own version
25 of what the transcript should be, and then the jury

18:00 1 decides which is the accurate version. The circuit
2 suggested long ago in a case called United States against
3 Onori, 535 F 2nd 948 at 958, Footnote 5, a 1976 decision,
4 that this matter is best handled at pretrial -- which is
5 why I raise it now -- and that an effort should be made
6 for the parties to agree on the transcript if possible,
7 and if not, that's why I said alternate versions should be
8 produced for the jury's consideration. So that's my
9 understanding of the law of the circuit if we have a
10 disagreement between the parties on the accuracy of the
11 transcript.

12 MR. JACKS: Well, your Honor, that was one of
13 the things that we were going to bring up. You know,
14 throughout the case, the defense has contended there were
18:00 15 inaccuracies in the government's transcriptions at various
16 points in the investigation and whatever. And it was our
17 hope that we could address to the extent possible, okay,
18 what are the inaccuracies. Maybe if we agree to them or
19 they agree to them. And let's try to get one transcript
20 that both sides agree to. And so that's what we would
21 like to add. The other point that I wanted to ask about,
22 I understand the Fifth Circuit law, but when the tape is
23 in a foreign language, the jury -- the tape is the primary
24 evidence, but if it's in a foreign language, then they are
25 really relying on the transcript or the testimony of the

18:00 1 translator that this is a fair and accurate transcription.

2 THE COURT: Right.

3 MR. JACKS: I can't recall a case addressing
4 foreign languages.

5 THE COURT: I have had cases like that. One of
6 them is United States against Allibhai which is a reported
7 decision in the Fifth Circuit. I don't think you were the
8 prosecutor, but it was foreign nationals who were Muslim
9 who were alleged to have been sending money overseas to
10 the Agha Khan, who was the head of their branch of Islam.
11 And their native language was Gujarati.

12 MS. HOLLANDER: Did the jury listen to the tape
13 in GU?

14 THE COURT: My memory is yes, but it was a long
18:00 15 time ago. So I'm not certain of that, but I'm ninety
16 percent certain.

17 MS. HOLLANDER: Your Honor, to get back to the
18 question, maybe it was Mr. Jacks's question about trying
19 to agree on the transcripts. We received these two
20 hundred transcripts on May 29th. We are trying to go
21 through them and see if we have any disagreements that are
22 material, and we hope to have that done, but it is not
23 finished.

24 THE COURT: Well, I understand it's a large job
25 among many other large jobs.

18:00 1 MS. HOLLANDER: There is just so much we can get
2 finished in a day, but we're aware of this issue.

3 MR. JONAS: Your Honor, it's not just
4 transcripts for video and audio tapes; it's a lot of
5 documents where we have translation, and so we include
6 that in the pool.

7 MS. HOLLANDER: Right. And there are thousands.
8 That's true. We're trying to find any that are a serious
9 issue and deal with those. But it's an enormous task, and
10 I can say that it probably will not be finished by the
11 time we go to trial, and there will be some issues that
12 come up at trial.

13 MR. JONAS: If I may ask, are the defendants
14 aiding in that? None of this is classified, and this is
18:00 15 their native language. How are they aiding in the
16 translations?

17 MS. HOLLANDER: How we're doing is really work
18 product.

19 MR. JACKS: Well, your Honor, I would request as
20 they find the parts where they disagree, if we would come
21 to us and see if we can agree rather than lay behind the
22 law and try to make it some kind of a litigation advantage
23 or something. If we could resolve those.

24 THE COURT: Well, I would certainly encourage
25 that. I'm not telling either side how to try its case

18:00 1 because you are all experienced trial lawyers, and I know
2 you have your own way of doing things, but I think that
3 would make things go smoothly if we could iron out as many
4 difficulties like that as possible beforehand.

5 MR. WESTFALL: First of all, I can now certainly
6 empathize with your issue of being able to hear all the
7 way down at the other end of the table. I have tried one
8 transcript case, and my memory is that an instruction is
9 given at the time the transcript is introduced in
10 evidence. Is that correct?

11 THE COURT: That's the way I typically do it,
12 give a verbal instruction to the jury at that time. And
13 in my written instructions at the end, I will repeat that.
14 And I ma -- Depending on how many repeats there are, I may
18:00 15 give some version of that as we go along. If we have two
16 hundred come in evidence, I probably won't be doing it
17 every time, but from time to time I would, yes.

18 MR. JACKS: The report I got from our paralegal
19 is that the transcripts -- We asked them to copy on the
20 front and back of the page to cut down on the volume of
21 paper. But I think it's like four binders. So we will
22 have those for the parties and the jurors and the court.

23 THE COURT: Okay. Good. There was some
24 discussion at previous conferences about efforts to
25 stipulate to business records to avoid the government

18:00 1 having to call a lot of custodial witnesses, and I haven't
2 heard anything further since then. Has any progress been
3 made on that front?

4 MR. JACKS: No, your Honor. That was one of the
5 things we were going to bring up just to see what we could
6 do about -- I sent this proposed stipulation. It's both
7 foreign bank records, financial institutions. We have not
8 really heard from opposing counsel and so don't know their
9 position, and that's one of the things that we would like
10 to try to address and get resolved to expedite, shorten,
11 focus the trial.

12 MS. HOLLANDER: Your Honor, we couldn't respond
13 until we saw the exhibits, and now we're trying to go
14 through and see whether there are some we can stipulate to
18:00 15 or whether we have some stipulations that we want to
16 request of the government. We have actually discussed
17 that as recently as yesterday, but we haven't --

18 THE COURT: You mean amongst yourselves or with
19 the government?

20 MS. HOLLANDER: Amongst ourselves. We haven't
21 discussed it with the government yet, but we have
22 discussed it among ourselves and are trying to figure out
23 what our position is. We're not quite there yet. We'll
24 try to get there as soon as possible.

25 THE COURT: I was reminded during the Kastigar

18:00 1 hearing the other data we have a superseding indictment in
2 this case. Have the defendants been rearraigned on the
3 superseding indictment?

4 MR. DRATEL: I don't think so.

5 MS. HOLLANDER: I guess not.

6 MR. JACKS: I can't remember -- I know in the
7 earlier case involving Mr. Elashi when there was a
8 superseding indictment I sent out a waiver of
9 rearraignment, and it was signed by the defendants. I
10 don't remember if I did that in this case or not.

11 MR. DRATEL: I don't recall. The reporter is
12 nodding when I said before, I don't think I have
13 actually -- I don't think I have actually been in open
14 court with your Honor in terms of an arraignment.

18:00 15 THE COURT: That's probably right. That's
16 something we need to either get a waiver or take care of
17 at some point before the trial commences.

18 MR. WESTFALL: If you prepare a waiver, I'll be
19 fine with that.

20 MR. DRATEL: That's fine. I had no
21 recollection.

22 MS. HOLLANDER: I don't think we have.

23 THE COURT: I wanted to tell you about one thing
24 that I have started recently that I have had good results
25 with, and that is especially in a trial as long as this

18:00 1 one is expected to be, I have begun taking photographs of
2 the witnesses who testify and writing their name either at
3 the bottom or the back, and we send those to the juryroom
4 at the conclusion of the case with the documentary
5 evidence and my instructions so that the jurors can recall
6 who testified and what they said. In talking with jurors
7 informally after a case is over, generally I have gotten
8 good reviews on that. They say it does assist them in
9 their deliberations. So I want to use that procedure in
10 this case. And my assistant Eleanore has a digital
11 camera. So if you would like us to take the pictures,
12 when your witness is ready testify, be sure to send them
13 back so that she can take their picture, and they will be
14 portrayed in the same clothing they are wearing when
18:00 15 testifying. If you want to do it yourself, that's fine
16 with me as long as the witness looks the same way in the
17 photograph when they do when they appear on the stand.

18 MS. HOLLANDER: Can we have those photographs so
19 we can remember after several months?

20 THE COURT: I know there is one witness the
21 government is concerned about, the Israeli agent. We
22 shred the paragraphs after the trial is over. We don't
23 make them a part of the record.

24 MS. SHAPIRO: I think as long as it's not
25 disseminated.

18:00 1 THE COURT: One other thing about the jury.
2 Because of the anticipated length of trial, it's my
3 intention to let the jury take notes, and I will give them
4 the cautionary instructions in the Fifth Circuit Pattern
5 Instructions about the notes are only for their own
6 benefit and not to rely unduly on the notes of other
7 jurors who may be better notetakers than they are and so
8 forth.

9 Let's see. I think we need to talk more about
10 the procedures for voir dire. I know we have discussed it
11 in the past in general terms. My memory is a little hazy.
12 I have not gone back and reviewed the transcripts of our
13 earlier sessions. But I have it in my mind -- and maybe
14 based largely on what Ms. Moreno told us about her
18:00 15 experience and maybe Mr. Dratel as well. I'm hoping to
16 have a jury in place within the first three or four days.
17 I understood that you are willing to live within some
18 reasonable time limits to be imposed by me, but I wanted
19 to go back and review again what we talked about earlier.
20 My impression is we would have a general session where I
21 would make some remarks and then counsel would have --
22 maybe and I don't remember this exactly -- maybe an
23 opportunity to make some remarks or ask some questions of
24 the panel as a whole, although I don't think with two
25 hundred forty people, more or less, in our panel that we

18:00 1 can do it all at one time unless we do it outside the
2 courtroom because my courtroom won't hold that many
3 people. So we might have to have two or three different
4 sessions. But anyway, there would be a general session,
5 and then based upon questionnaire answers you will have
6 received, you wanted to bring them up in smaller groups
7 and question them individually. So I wanted to refresh my
8 memory about that and talk about it maybe in more detail
9 than we have in the past. Mr. Westfall.

10 MR. WESTFALL: What seems like logically the
11 best option -- We talked about this yesterday -- would be
12 to bring up the small groups of five to fifteen at fifteen
13 minutes per juror, hopefully knocking out thirty a day. I
14 think that was the number. And once we have exercised
18:00 15 challenges for cause and built up enough jurors to where
16 we can have an entire panel, at that point bring that
17 panel in and do your general instructions on burden of
18 proof and all of that. That would get rid of the big
19 logistical difficulty in the front.

20 THE COURT: Have you discussed that with the
21 government? That sounds like a good plan to me if they
22 don't have a problem with it.

23 MR. JACKS: We are opposed to that. I don't see
24 the need to have the second smaller groups. To me, it
25 seems like the most efficient way to do it is like we have

18:00 1 always done it in that we have the general voir dire --
2 and I understand that you may have to have two sessions
3 because of the number of jurors in the panel, but -- and
4 then if certain jurors indicate any kind of positive
5 response that needs follow-up, bring those up and those
6 alone, as opposed to bringing everyone up in these small
7 groups. I'm concerned, first of all, this goal of fifteen
8 minutes is not going to be met. Questions and follow-ups
9 are going to be -- There is going to be the need for more
10 follow-up as to certain jurors. So whether we could
11 maintain that schedule -- And even if the Court decided
12 that we're going to maintain it, you are sitting there
13 watching the clock rather than focusing on what the juror
14 says and exploring that. I think it's more logical and
18:00 15 more efficient to do the standard voir dire, have the
16 Court give its portion of the voir dire, if the parties
17 have any kind of individual voir dire they would like to
18 do, and I think that should be explored through the court,
19 the questions that the parties propose to ask during their
20 individual voir dire. And then if there are positive
21 responses that indicate follow-up is needed, just bring
22 those people in, Not go through this procedure with a
23 hundred and something people and then bring them back in
24 at fifteen at a time and go through -- I just think that
25 puts an extra step in there that is not really necessary.

18:00 1 THE COURT: Let be go back and be sure I
2 understand what you are saying, Mr. Jacks. We have now --
3 just for a round number -- 40 people in our panel. And I
4 understand we have the second group as we speak in the
5 process of answering these questionnaires. So we will
6 start with that group of 240 to which you will have
7 questionnaire answers. My courtroom probably at the
8 maximum would hold about sixty potential jurors. So under
9 your plan, we would need probably -- If we have a voir
10 dire for all 240, we would need four days to do that or
11 four and a half days, however long it takes. So your idea
12 would be on Monday July 16, we would bring the first group
13 of sixty in my courtroom, have a general voir dire session
14 and if necessary follow-up with individual voir dire by
18:00 15 counsel, and then we would bring a second group in I guess
16 either the afternoon of the 16th or the next day on the
17 17th and do same thing all over again and whether we do
18 that for the third and fourth groups if we needed to reach
19 them?

20 MR. JACKS: Actually, your Honor, I was hopeful
21 if we could use Fitzwater's courtroom if it was available.
22 I think it holds a little over a hundred plus -- I was
23 asking -- Maybe Gail O'Neal told me. But it's -- so that
24 would -- If his courtroom was available, that would cut it
25 down to two. We could do a hundred or two hundred at a

18:00 1 time, and if we couldn't get enough out of that, I guess
2 we could look at the next thirty or something. That was
3 my thought in terms of the overall voir dire. But, yeah,
4 under what you said, if we used your courtroom it would be
5 even further stretched out and extended. And I just -- As
6 I said, I think bringing them up in groups of ten or
7 fifteen is an unnecessary extra step.

8 THE COURT: Mr. Westfall, let me go back and
9 kind of review from the beginning what your proposal is.
10 Under your proposal, I guess we would start out with this
11 240, although we may not bring them down to courtroom the
12 same day because we couldn't probably talk to all of them.
13 You mentioned small groups. Go over with me step by step
14 what the size of those groups would be or would we be
18:00 15 talking to the potential jurors in groups or one at a
16 time? How would that work exactly?

17 MR. WESTFALL: We would bring them in the
18 courtroom one at a time. We would bring them as a group,
19 but bring them in the courtroom one at a time for a
20 maximum of fifteen minutes.

21 THE COURT: Per side or both sides?

22 MR. WESTFALL: Seven and a half minutes per side
23 which we're willing to have strict time limits on that.
24 The questioning would commence, and there is some jurors
25 that there may not be any time at all spent with them.

18:00 1 Some jurors, maybe the whole fifteen minutes spent with
2 them. The advantages of that, as we discussed earlier,
3 this case has certain issues that we have a hundred ten
4 people sitting out there there is a chance that all a
5 hundred ten might have to be flushed if we had a
6 sufficient outbreak and that's what we had discussed
7 earlier. That would move along pretty well. It really
8 would. And we do the math and figure up the number of
9 jurors we need which is fifteen or sixteen. I can't
10 remember.

11 THE COURT: I am going to use the maximum number
12 of alternates which is six I think the Rules say.

13 MR. WESTFALL: And you throw challenges on top
14 of that, that is how big a panel we would have to
18:00 15 assemble, and it's a matter of when that panel gets
16 assembled. And then it was contemplated before that the
17 struck juror method would be used where the whole panel is
18 assembled, and you would want maybe ten additional in
19 case somebody said I can't follow the burden of proof, but
20 after we have gone through all the preliminary remarks and
21 individual voir dire, I can't imagine that we would have
22 much of a problem with that and the jury is basically cut
23 using that struck method in the course of thirty minutes
24 to an hour. Tops. As opposed to doing the same thing
25 four days in a row with large panels, I really think it's

18:00 1 a more efficient way of getting it done.

2 MS. MORENO: Your Honor, if I may, the other
3 step that wasn't discussed by Mr. Jacks is there should be
4 an opportunity before July 16 -- because my understanding
5 is we're going to get these questionnaires -- tomorrow,
6 sometime over the weekend, that we might be able to
7 stipulate to some cause challenges and narrow down the
8 list even further which would cut down the time further,
9 and it's been my experience -- counsels' experience this
10 often happens where the answers on the questionnaires are
11 so flagrant that both sides think it's an easy stipulation
12 for cause. So I think that is also going to ameliorate
13 the time concerns that your Honor has.

14 THE COURT: I was just trying to figure out in
18:00 15 my own mind to do the arithmetic. If we could do fifteen
16 minutes per member of the panel, that's a maximum of four
17 people per hour, and hopefully, some we didn't need to
18 spend any time on like Mr. Westfall said. I don't really
19 know that. So the conservative approach would be to say
20 we spend fifteen minutes on each one. And I'm normally in
21 court maybe five and a half to six hours a day. So that
22 would mean that we could do probably on the outside about
23 twenty-five people a day using that approach.

24 MR. WESTFALL: We would want to bring more in
25 case somebody has a cause challenge.

18:00 1 THE COURT: Sure. So that would take four days
2 to do a hundred people at that rate.

3 MR. JACKS: Fifteen minutes per juror?

4 MS. HOLLANDER: We don't need anymore after
5 that.

6 MR. JACKS: Well, let's say there is a hundred
7 we have to question. I think my math is right. That's
8 twenty-five hours, and that's if you are watching the
9 clock. That fifteen minutes stops. No going out. He's
10 in the bathroom. Let's get them back. Let's say you are
11 bringing up fifteen, and five of those don't have anything
12 to say. We could have figured that out when we had them
13 in the group when we asked those questions, and those that
14 had an issue, we bring them back and explore it. If we do
18:00 15 it in the traditional way, we locate those within the
16 larger group that have some issue, and we focus on those.
17 And I just think -- I think it would be making it more
18 difficult than it needed to be. It would be committing to
19 a process that's going to -- I don't think there is any
20 way that we would be able to adhere. We're talking about
21 lawyers, your Honor. One more question, you know, it
22 turns into ten more questions. You know, your Honor, this
23 is very important. This way we will be able to
24 concentrate on the jurors that really do have an issue as
25 opposed to running them all through the gate and saying

18:00 1 you are okay. Go ahead. I want to ask them -- You give
2 them time, they will think of a question they want to ask.

3 MR. DRATEL: We do this all the time in the
4 state court. You get a certain amount of time, and you
5 use it, and the court stops you. I thought this had been
6 decided last time. We spent a lot of time figuring out
7 the mechanics. The Court had said individual voir dire
8 and attorney voir dire. Fifteen minutes per person is a
9 maximum. So we're not talking about fifteen minutes maybe
10 more; we're talking about a maximum. We're not going to
11 have fifteen minutes per person, so we're going to get
12 ahead in that way. And once we get to -- I think the
13 magic number, fifty-two or something, once we get there,
14 we stop. Because of the way the system has operated, we
18:00 15 have already eliminated those who were a waste of time.
16 We eliminate more people we would have wasted time on, as
17 Ms. Moreno suggested. We're getting down to core jurors
18 who are the mix. We're -- I don't think we're going to
19 get past a hundred. In this context, I think it would be
20 very unusual if we got past a hundred.

21 MR. JONAS: Your Honor, a question for
22 clarification. And I'll address it to Mr. Westfall, if I
23 can. Are you contemplating that after a juror is
24 questioned for fifteen minutes we discuss whether or not
25 that person is struck for cause?

18:00 1 MR. WESTFALL: Either side would level a
2 challenge at that point that the Court would rule on.

3 MR. JONAS: So we need to rule in time for
4 argument. It's my experience if you think there is a
5 cause and we don't, that goes back and forth, and as Mr.
6 Jacks says, we're lawyers.

7 MS. HOLLANDER: Your Honor, I realize that it's
8 the Court's prerogative to visit this, but I just read the
9 transcript from the status conference where we discussed
10 this. Your Honor had said that's the way we were going to
11 do it, and I thought that is the way we're going to do it.
12 We were going to have the individual voir dire. That's
13 the way I read it.

14 MR. JACKS: I read it, too, and you clearly said
18:00 15 I haven't made up my mind about that yet. I'm not
16 comfortable with Mr. Dratel's prediction that this is
17 going to be no problem and we're going to gain time.

18 THE COURT: Let me say I have not reviewed the
19 transcript, so I don't remember what I said. I do
20 remember in preparation for this conference today that --
21 I remember some general discussion that we had, but now
22 that we're getting close to actually having to embark on
23 this process, I really didn't remember the details of what
24 we had discussed.

25 To reiterate what I said at an earlier

18:00 1 conference, I recognize that this is an unusual case and
2 it requires some special handling. Mr. Jacks and I have
3 worked together over the years in a number of cases, and
4 so he talks about the usual way because we have a certain
5 way of doing things in our district, and I think every
6 community has its own legal culture, and Mr. Dratel, I'm
7 sure, is used to doing certain things in New York that
8 would be alien to me and vice versa. I think the easy
9 decision for me would be to go along with what Mr. Jacks
10 says and say I'm used to doing it this way, that's the way
11 we're going to do it. I may have said or at least
12 intimated that we would do it as proposed on the defense
13 side today, and I am inclined to do things that way just
14 because I want to be sure that we have as good a jury as
18:00 15 we can come up with as a result of this process, and I
16 want the defense to think that as well as the government.
17 I think it's arguable the defense way is a more time
18 intensive way, although it's hard for me going into the
19 process which way would save more time. So let me say
20 that I'm willing, Mr. Westfall and Mr. Dratel, to do it
21 your way with this caveat. Don't make me sorry at the end
22 of the day or at the end of the week that I have agreed
23 with you. I am relying on your representations on these
24 time limits, and I do want to have a jury in place by the
25 latter part of the week of July 16. One reason, as I

18:00 1 mentioned to you earlier this week, that I had a
2 conversation with Leigh Lyon earlier this week about
3 logistical details concerning this case, and one of those
4 is I intend to have the jurors once they are selected come
5 to a location remote from the courthouse and be bussed
6 here every day during the trial. Our court had to sign a
7 contract with the GSA for the van to transport those
8 jurors, and I gave Leigh the date of July 19th to begin
9 that contract. So that was just an estimate on my part.
10 But I would like to have the jury in place as a target on
11 July 19th.

12 MR. JACKS: Your Honor, I have never understood
13 that the defendant's plan called for individual voir dire.
14 It was my understanding that their proposal was that the
18:00 15 jurors be in groups of ten to fifteen to be questioned as
16 a small group, not this fourteen wait out in the hall and
17 they come in one at a time. That was never the proposal,
18 as I understood it.

19 THE COURT: That's why I asked for clarification
20 because I wasn't sure myself.

21 MS. MORENO: Your Honor, I have the filing by
22 the defense of the protocol where we intensively discuss
23 individual voir dire, cite the supporting law and give
24 examples. So that was always front and center. I
25 discussed it with your Honor at previous status

18:00 1 conferences. So I'm a bit surprised that Mr. Jacks
2 doesn't recall that.

3 MR. JACKS: I recall them discussing it. I
4 don't recall them discussing it in a plan.

5 MS. MORENO: Document 555 filed March 1st, 2007.

6 MR. DRATEL: And my whole discussion about
7 contamination in all of these pretrial conferences is
8 based on having the jury hermetically sealed from the
9 panel because of an answer we could not anticipate.

10 MR. JACKS: Your Honor, I appreciate the Court's
11 position and comments, but in terms of how much different
12 this case is, I respectfully disagree in the sense that
13 it's still a criminal case, and we're treating it
14 differently in the sense that we're using a questionnaire.

18:00 15 We have sent out these summons in advance. Except out the
16 hardship questions in advance, that's different. The
17 Court has made concessions that are different from other
18 cases, and I think what the Court has done so far is more
19 than adequate. This talk about pervasive pretrial
20 publicity is incredibly overblown. There haven't been any
21 stories in the paper. Maybe it says something about me,
22 but what I'm working on, to my circle of friends they say
23 doesn't ring a bell. So I don't believe the concern about
24 that is as great as it's being portrayed, and I have to
25 say that I really think to set this case up for individual

18:00 1 voir dire is way beyond what is necessary, and I think it
2 is just prolonging the length of this trial, and I just
3 think it's -- And I do disagree with the defense saying
4 this has always been the plan that they proposed. I
5 understand we can look at transcripts and look at
6 pleadings and see, but I don't think this case is one that
7 justifies individual voir dire.

8 THE COURT: Well, I understand your position,
9 Mr. Jacks, but I have made my decision, and as I said
10 earlier, I will use the procedures proposed by the defense
11 in this case for individual voir dire, but they have the
12 potential to disappoint me greatly at the beginning of the
13 case if we're not able to stay on schedule. So I mention
14 that as a caveat.

18:00 15 MR. JACKS: All right.

16 MS. SHAPIRO: Your Honor, I wanted to raise one
17 issue. We have a witness who's expected to be our first
18 witness who's unavailable on the 24th of July. So I
19 wanted to put that out there. I'm not sure exactly when
20 the jury will be selected and how long openings will go.
21 That's all up in the air, but that one particular day is a
22 problem for this witness.

23 THE COURT: All I can say is you'll have to do
24 the best you can. One of the difficulties in any criminal
25 case -- but particularly one of this size and scope -- is

18:00 1 the logistics of getting this number of busy people in one
2 place at one time, and as I said earlier, I'm not going to
3 try to tell you how to try the case. But either your
4 order of witnesses may have to give or the witness' plans
5 may have to give because we'll do the best we can in
6 keeping the case on schedule, but I can't schedule things
7 in the trial around the convenience or not of a witness.
8 It's just too much.

9 MR. JONAS: Just to expand that slightly. We
10 certainly appreciate your Honor's comments. It's a
11 religious holiday that day that conflicts with the
12 witness' unavailability.

13 THE COURT: Well, maybe convenience is the wrong
14 word, but I don't feel like I can schedule all the people
18:00 15 in this trial around the schedule of a particular person.

16 We have some motions in limine I wanted to
17 discuss. The defendants filed on June 13 a joint request
18 for a James hearing, and it's entitled Motion in Limine to
19 Exclude Alleged Co-conspirator Statements Not Meeting the
20 Requirements of Federal Rule of Evidence 801 (d) (2) (e),
21 and the government responded in writing on March the 16th.
22 I am going to deny the motion for a James hearing. I
23 agree with the government's position and with the
24 authorities cited therein, principally United States
25 against Fragoso that under the law of our circuit a

18:00 1 pretrial hearing is not required. It's been my experience
2 that the more expeditious way to handle these things is
3 simply take the matter up at trial, and of course, the law
4 of our circuit and the Supreme Court decision in
5 Bourjailey approved this practice. I think it would be an
6 undue consumption of resources to have to hear this
7 evidence twice.

8 I'm sorry. I just realized in preparing for
9 this conference today that there are a couple of other
10 motions in limine that I'm not familiar with. So I'll
11 have to ask counsel to briefly summarize what they say.
12 First is the Government's Motion in Limine filed March 14
13 asking me to prohibit defense counsel from making
14 arguments designed to elicit jury nullification. What is
18:00 15 that about, Mr. Jacks, or if you want to yield to one of
16 your cocounsel?

17 MR. JACKS: Judge, it's basically you cannot
18 tell necessarily at the start of the trial but if that
19 starts to become the point of the defense's position, then
20 we are making the objection in advance to make the Court
21 aware of our position, and I know the defense says they
22 are aware of the law and have no intention to do that.

23 THE COURT: Well I agree with you that it would
24 be improper to ask the jury to disregard the law, and if
25 that comes up at the time, I will make a ruling, and I'm

18:00 1 not prepared on the defense's response either. But if
2 they say they don't intend to do that, it would seem to me
3 I can deny the motion at this point without prejudice to
4 its being renewed if that issue arises during the trial.

5 MS. HOLLANDER: That's fine.

6 THE COURT: And then there is a Defense Joint
7 Motion in Limine to Exclude Evidence from Trial and
8 Memorandum in Support. I'm not sure -- Again, I didn't
9 read that in preparation for today. I guess it escaped my
10 notice. Ms. Hollander, can you or one of your cocounsel
11 tell me what it's about?

12 MS. HOLLANDER: I don't have a copy in front of
13 me, your Honor, but it's about a large number of items.

14 MS. DUNCAN: As Ms. Hollander mentioned, your
15 Honor, we will be challenging several exhibits under
16 several general categories. The first is relevance
17 grounds or 403 grounds. We have challenged some
18 coconspirator statements, 404(b) evidence. Do you want me
19 to walk through each piece that we're challenging?

20 THE COURT: In a general way, hit the high
21 spots, if you will, or maybe just describe the general
22 tenure or character of the testimony you are concerned
23 about.

24 MS. DUNCAN: The main categories we're concerned
25 about involve evidence of acts of terrorism or violence

18:00 1 that are unrelated to the Holy Land. The government
2 indicated an intent to bring in evidence of suicide
3 bombing. There is no evidence with respect to Holy Land
4 as to that. All acts of violence that the government
5 intends to bring in are unrelated to the Holy Land. There
6 is evidence that --

7 THE COURT: Let me stop you a minute. When you
8 say unrelated to the Holy Land Foundation, I'm not sure
9 what that means. I understood the government's general
10 theory in this case that HAMAS is an organization that is
11 engaged in violence on a fairly routine basis in the
12 Middle East and that the Holy Land Foundation has been
13 funneling money to HAMAS, and so if that theory is
14 correct, I don't know how you could say that the Holy Land
18:00 15 Foundation is unrelated to HAMAS.

16 MS. DUNCAN: Well, my understanding of the
17 government's position is that the Holy Land Foundation
18 funneled money to zakat organizations that had members of
19 HAMAS on their board of directors. There is no allegation
20 that the Holy Land Foundation provided resources for
21 terrorist acts. We're objecting, for example, with
22 respect to the Operation Defensive Shield, a search in
23 Palestine, where a lot of evidence was seized. It was the
24 government's position it was in response to terrorist
25 acts, and our position is that is completely irrelevant as

18:00 1 to why the government of Israel seized certain documents,
2 and it's very prejudicial to our clients.

3 MR. DRATEL: Your Honor, also if I may add. The
4 defense is not giving money -- it's giving money to
5 foreign terrorist organizations in that this is an
6 organization that's been designated. Not one that has to
7 do with all the extra very prejudicial and 403 implicated
8 evidence that we're talking about here which Holy Land is
9 not accused of financing or being related to in any
10 operational way.

11 THE COURT: I thought one of government's
12 theories was that money was given to widows and orphans of
13 suicide bombers and this in effect rewarded or encouraged
14 suicide bombing as a technique.

18:00 15 MR. DRATEL: But that doesn't require a litany
16 of suicide bombings and all the grizzly parts related to
17 that. What could be done in a 403 way is to really limit
18 it so it relates to the issue at trial and not inject
19 prejudicial parts that are inflaming and don't have
20 anything to do with the elements of the offense or the
21 parts of the government's theory because unless the
22 government is going to say that a specific terrorist act
23 was a result of a specific payment to a person, then all
24 of that stuff is really just window dressing. Most of it
25 is after the fact. They are saying it's a reward. So

18:00 1 what happened at the bombing is really irrelevant to the
2 specific allegation that goes to the offense. So I think
3 the rest of it would be precluded under 403.

4 MR. JONAS: Your Honor, may I respond?

5 THE COURT: Yes, I was going to ask for someone
6 on the government's side to respond because I have not
7 reviewed your response either.

8 MR. JONAS: Your Honor, 18 United States Code,
9 Section 2339(b), which is one of a series of charges in
10 this case -- and I won't read the whole statute.
11 Subsection A, Subsection 1, which is entitled "Unlawful
12 Conduct: To violate this paragraph a person must have
13 knowledge that an organization is a designated terrorist
14 organization, that the organization is engaged in
15 terrorist activity or that the organization has engaged or
16 engages in terrorism."

17 There are certain acts that we intend to have
18 our expert witness discuss that were committed by HAMAS or
19 claimed to be committed by HAMAS where the defendants were
20 on notice of because we have intercepted communications
21 that they are discussing the act or because they received
22 faxes that are newsletters where other acts are discussed.
23 One category is suicide bombings or terrorist acts of
24 HAMAS that we intend to discuss through our expert.
25 Another is the socialization of the HAMAS, through the

18:00 1 zakat committee and how their acts of the zakats support
2 the military wing. For example, where members of zakat
3 committees provided support to terrorist activity. Those
4 are two areas where we think we're entitled to present
5 evidence to the jury of terrorist acts. That evidence is
6 not going to be bringing in victims or witnesses to the
7 terrorist acts but through our expert who will testify
8 about HAMAS's claim of these acts, and he would briefly
9 describe the act. On such and such a date HAMAS claims to
10 have committed this bombing and move on from there.

11 MR. DRATEL: Your Honor, it's just like a
12 justification defense in reverse, what we're talking about
13 here. What Mr. Jonas talks about is the second part of
14 the second knowledge element of 2339(b) which is a
18:00 15 defendant has to be aware that it's a designated
16 organization, that the organization engages in violent
17 activity. So when I say it's like a justification
18 defense, let's say you represent a defendant in a
19 justification case in which the defendant is aware that
20 the -- Let's say the homicide victim who the defendant has
21 killed and he's claiming justification. If the homicide
22 victim had committed three murders, but the defendant
23 didn't know, it doesn't come in evidence. It's only what
24 the defendant knew that's relevant to the justification.
25 And if all it is is the defendant got -- the victim got

18:00 1 into a fight last week and that he's prone to fighting,
2 that's all that comes in. So what's in these
3 conversations is really the limit of what the defendant's
4 knowledge is. By saying because the defendant knows there
5 is a suicide bombing that the defendant knows all the
6 details and background, that's not true. That's sort of
7 bootstrapping their knowledge element to say because the
8 defendant may know part of it -- and I'm not saying this
9 is a contested issue at trial as to whether the defendants
10 knew it was a designated organization or not. I'm not
11 sure that's going to be contested at trial. So in
12 relation to an issue that's not even going to be
13 contested, you have an extraordinary amount of prejudicial
14 evidence that comes in. And also doesn't go to a
18:00 15 defendant's knowledge because what a defendant knows from
16 a phone conversation that says there was a suicide bombing
17 on X day, he doesn't know about all of that and unless he
18 does, it's not relevant to that issue. So it comes in to
19 try to prejudice, and as a 403 matter, I think it's clear
20 it's not necessary for the case and could really be -- not
21 only a red herring but something that drives the jury in
22 the way the evidence does not and creates a 403 problem.
23 MR. JONAS: I respectfully disagree. Because
24 the context of the conversation requires some testimony to
25 the jury so that the jury can understand the conversation.

18:00 1 It's not always clear where it's one defendant talking to
2 another saying HAMAS just committed a suicide bombing.
3 You have to understand when they are celebrating on the
4 phone an attack, they don't say there has just been an
5 attack If the jury knows on that day there was an attack,
6 it puts that conversation in context. Moreover, we think
7 the jury is entitled to understand the full flavor of
8 HAMAS and why they are a designated organization and the
9 relationships among the different wings of HAMAS. There
10 is a case -- And I apologize, your Honor. I wasn't
11 expecting to make this argument. I don't know the
12 citation. I believe it's in the Eastern District of New
13 York.

14 MR. JACKS: McKeef.

18:00 15 MR. JONAS: McKeef I know is Boston, but I know
16 there is another case where they were able to bring in for
17 similar reasons -- where they brought in victims of
18 terrorist acts for the same reason we're doing, but we're
19 not going that far.

20 MR. DRATEL: That's not an issue, why it's a
21 designated terrorist organization. We're not allowed to
22 challenge and they shouldn't be able to put it in. That's
23 completely off the charts as far as this prosecution, and
24 they specifically said they were not getting into this,
25 and it's even worse than what they represented. I don't

18:00 1 have the papers in front of me -- The government wrote --
2 Footnote 4 in our in limine motion, the government wrote
3 previously -- it's a motion -- it's Document Number 468
4 filed November 9th, 2006. It's actually to protect the
5 identity of important witnesses. The defendants imply in
6 Footnote 10 that they will address the Israeli-Palestine
7 conflict at some point in the future. The government will
8 be filing a motion in limine on this issue as the conflict
9 is irrelevant to the defendant's support of a designated
10 terrorist organization and would only serve to support an
11 improper jury nullification defense. If the defendants
12 are permitted to present evidence on the conflict to the
13 jury, the door will be opened to the jury on the reasons
14 why HAMAS was designated a terrorist organization which
18:00 15 took the life of American citizens." This is a 180 from
16 that representation.

17 MR. JACKS: Your Honor, it's not. If I were in
18 their shoes, I would be doing the same thing to water down
19 this case, but this is a terrorism case.

20 THE COURT: Well, I have heard enough argument.
21 I'm ready to rule on this. I was just scanning through
22 the government's response, as Mr. Jonas was arguing, and I
23 see the government has quoted a case called United States
24 against Pace, which is a 1993 Fifth Circuit decision, and
25 I recognize the quotation, although not from Pace, because

18:00 1 I think this language actually comes from an earlier Fifth
2 Circuit decision, and I can't remember the name of the
3 defendant in that case, but it starts with an M-c-K.
4 Anyway, the language is quoted at the bottom of Page 2 and
5 top of Page 3 of the government's response and the thrust
6 of this language is that Rule 403 in the Federal Rules of
7 Evidence should be sparingly applied, and I'll quote the
8 language for everybody's benefit since you don't have that
9 in front of you, no doubt. This is Pace, 10 F 3d 1106,
10 "Relevant evidence is prejudicial, but it is only unfair
11 prejudice outweighing probative value which permits
12 exclusion of relevant matter under 403. Unless trials are
13 to be conducted on unreal scenarios, on unreal facts
14 sanitized for the occasion, the application of Rule 403
18:00 15 must be cautious and sparing. Its major function is
16 limited to excluding matter of scant or cumulative
17 probative force, dragged in by the heals for the sake of
18 its prejudicial effect. As to such, Rule 403 is meant to
19 relax the iron rule of relevance, to permit the trial
20 judge to preserve the fairness of the proceeding by
21 exclusion despite its relevance. It's not to 'even out'
22 the evidence or make a crime or contest where there is
23 little or none."
24 So based on that, I am going to deny the motion
25 in limine that has been brought by the defense without

18:00 1 prejudice, of course, to objection at trial to specific
2 evidence as it is offered. But it's difficult for me to
3 say as an in-limine matter without having heard any
4 context that that particular evidence to be offered by the
5 government would not be admissible under Rule 403.

6 I think that may be all of the in-limine
7 motions.

8 MS. DUNCAN: Your Honor, there are actually
9 several other categories of evidence we challenged.

10 THE COURT: I'm sorry. You had just gotten to
11 the first one. Okay.

12 MS. DUNCAN: The second broad category we
13 challenge is evidence having to do with other designated
14 terrorist groups, in particular Al Qaeda, and in our
18:00 15 review of the government's exhibit list, we included
16 pictures of Osama bin Laden. They have documents
17 comparing Infocom with documents alleged to be related
18 with Al Qaeda. The only reason for bringing in such
19 evidence is to clearly prejudice the jury against the
20 defendants and to remind them of 9-11 and inflame them as
21 to that horrific event. It's grossly outweighed by the
22 unfair prejudice of the evidence.

23 THE COURT: Why don't you go through all four
24 categories.

25 MS. DUNCAN: There is more than four. They are

18:00 1 grouped together, but we discussed smaller categories.

2 THE COURT: Hit the high spots of all of them
3 then.

4 MS. DUNCAN: We challenged evidence of
5 conventions, seminars and rallies sponsored by
6 organizations other than Holy Land Foundation. We
7 challenged that on relevance grounds and also --

8 THE COURT: Let me ask a question. It's my
9 impression -- And in part this is from the Kastigar
10 hearing that we began a couple of days ago -- that these
11 fundraising events that at least some of the defendants in
12 this case were part of were typically held at mosques. Is
13 that the type of organization that you are referring to
14 when you challenge evidence of fundraisers at other
18:00 15 organizations?

16 MS. DUNCAN: No, your Honor, we're not
17 challenging the evidence of Holy Land fundraising
18 activities. We're challenging the admission of evidence
19 that's unrelated to Holy Land. Other people speaking at
20 events that have nothing to do with Holy Land as a
21 category.

22 MR. WESTFALL: Your Honor, just for context,
23 there was fundraising done in mosques, but there was also
24 fundraising done at conventions like would be at a
25 convention center for instance. If there was a guitar

18:00 1 show down here the Dallas Convention Center and I am a
2 guitar manufacturer and I want to go sell my guitars at
3 that guitar show, basically the theory is that I am then
4 liable for everything else that goes on at that guitar
5 show. That's the type of organization that we're talking
6 about in this motion in limine.

7 MR. JACKS: You think that's an accurate
8 metaphor or analogy.

9 MR. WESTFALL: It's one that personally is
10 accurate to me.

11 MR. JONAS: Your Honor, if I may respond.

12 THE COURT: I'd like to hear all the categories
13 first, and then maybe you can give a response to them.

14 MS. DUNCAN: The next category is evidence that
18:00 15 the Government of Israel designated zakat committees with
16 whom Holy Land worked in 2000.

17 MS. HOLLANDER: Which was after Holy Land
18 closed.

19 MS. DUNCAN: And a related category are
20 designations either by the US Government, by the
21 Governments of Germany or Israel of any individuals who
22 were not charged with giving money, any designations of
23 Holy Land Foundation and any other organizations not named
24 in the indictment. And that would include, for example,
25 some of the family members of the defendants. We

18:00 1 challenged evidence relating to other organizations that
2 the government alleges are linked to HAMAS, including
3 Interpol. I think you heard about Al Aqsa yesterday
4 during the Kastigar hearing. In particular, we object
5 generally to the introduction of any evidence having to do
6 with those organizations, and to the extent the Court
7 overrules that objection, we would ask for an offer of
8 proof from the government of any relationship between the
9 Holy Land Foundation and those organizations before such
10 evidence was allowed into trial. Evidence of web sites
11 that include hyperlinks to the Holy Land Foundation's web
12 site without some evidence that the Holy Land Foundation
13 expressly agreed to have that link included on the web
14 site. Any evidence of events occurring after September
18:00 15 4th, 2001 which is the date the Holy Land Foundation was
16 closed and all of its assets were seized. We had
17 challenged evidence or mentioned the two trials and
18 convictions of Defendant Elashi. The government has
19 indicated in its response that it does not intend to
20 introduce any evidence of the convictions itself, although
21 they have reserved the right to introduce evidence that
22 was introduced during those trials.

23 We have renewed our objection to any evidence
24 that the defendants are related to leaders of HAMAS on the
25 grounds that such evidence is completely irrelevant to

18:00 1 this prosecution. I'm sorry. I have to go through this.
2 It's been a while since I have read this, your Honor.

3 And then generally, we have raised objections
4 regarding authentication of documents that were seized by
5 the government of Israel from various zakat committees
6 that are key chains or posters. We don't know and I don't
7 know if the government knows where they were found.

8 MR. JACKS: We know they were found at a
9 particular zakat committee, but I don't know whose office
10 and in what context that evidence was found.

11 MS. DUNCAN: We have challenged the admission of
12 a document entitled Foundation's Policies and Guidelines
13 which was seized by the government during a raid of the
14 Infocom Company on the grounds -- first of all that it's
18:00 15 irrelevant, and secondly, that we don't know where it came
16 from. It doesn't have any reference to the Holy Land
17 Foundation, and related to that we're challenging the
18 comparison of that document with the Al Qaeda document by
19 the government's witness.

20 MS. HOLLANDER: Let me add one thing to that.
21 The Al Qaeda is an alleged Al Qaeda document that was
22 seized in Manchester, England in some case and is alleged
23 to be an Al Qaeda document.

24 MS. DUNCAN: We also raised a general
25 confrontation challenge because at the time we wrote this

18:00 1 we didn't have access to the government's witness list or
2 exhibit list to bring the issue to the Court's attention.
3 With respect to the alleged coconspirator statements, we
4 challenge the admission of any statements made by an
5 alleged coconspirator before the time of the designation
6 of HAMAS in 1995 on the grounds that there could be no
7 conspiracy to violate the law before that date.

8 We challenge the evidence relating to criminal
9 proceedings against various Palestinians by the Government
10 of Israel, and we do intend to challenge based on our
11 review of the government's evidence. We now know what
12 type of documents they intend to introduce to prove those
13 criminal histories, and we plan to file that within the
14 week. We also are challenging the government's reliance
18:00 15 on newspapers articles. Our initial review of the
16 government's exhibit list shows they intend to introduce
17 articles that were found in the Holy Land files. I think
18 it was mostly articles found in the Holy Land files, and
19 they are rank hearsay and have no probative value in this
20 case. I think those are the main categories, your Honor.

21 MR. DRATEL: I want to say one thing about the
22 web site. And that is there are -- I don't know what the
23 number is by now. Could be millions -- web sites that
24 link to the United States Department of Justice. Does
25 that mean the United States Department of Justice is in

18:00 1 sync with every web site? Most of them are groups in
2 opposition to the United States Department of Justice.
3 But they put links. You can get the documents and filings
4 and all sorts of reports that are done. It would be to
5 say as if the government was there for -- that it could
6 come in to show the government's state of mind that
7 believes what the ACLU -- It would be as if saying the
8 government -- that you could prove the government's intent
9 because on its web site for an organization like the ACLU
10 is a link to the government, and therefore, they have to
11 have the same intent and knowledge and state of mind as
12 the ACLU or any other organization that has the web site.
13 That's really what we're talking about here. No one can
14 prevent people from putting Holy Land. Nobody can prevent
18:00 15 a link to the Department of Justice.

16 THE COURT: I think that's a good jury argument
17 if this evidence comes in, but I don't think it's an
18 argument that this evidence is so prejudicial that the
19 jury shouldn't hear it.

20 MR. DRATEL: It's a relevance argument. What's
21 the connection as to why it should come in at all. The
22 internet is such a democratic institution, such an
23 unmonitored institution that to attribute on the basis of
24 things like links almost takes relevance out of the case
25 in that regard.

18:00 1 THE COURT: Mr. Jonas.

2 MR. JONAS: Thank you, your Honor, and I think
3 we may wind up bouncing back and forth, depending on the
4 issue of relevance to us. I am going to let Ms. Shapiro
5 handle the first issue.

6 MS. SHAPIRO: I think the objection was that
7 there was some Al Qaeda related posters is my
8 recollection, that there were posters of Osama bin Laden
9 in the evidence. There were some posters that were seized
10 from the zakat committees that Holy Land supported that
11 included Osama bin Laden among other terrorist leaders. I
12 think there is one of Nasrallah also that was in there
13 and --

14 MR. GARRETT: The leader of HAMAS.

18:00 15 MS. SHAPIRO: Yeah, I'm sorry. Leader of HAMAS.
16 And these posters show the kinds of things that were in
17 the committees that were supported by the Holy Land
18 Foundation. They show that rather than benign charities
19 that the defense will try to make them out to be that they
20 have a political nature and that they have these kinds of
21 posters and images in their possession. Most of the
22 posters are specifically HAMAS-related, and there were a
23 couple that had Osama bin Laden and also some Chechnian
24 leaders and Hezbollah leaders.

25 MS. HOLLANDER: Your Honor, this raises a huge

18:00 1 issue. These documents that come from the Government of
2 Israel were seized by the Government of Israel during what
3 they call Operation Defensive Shield. It was a military
4 operation. They seized vast quantities. The Government
5 of Israel's operatives seized vast quantities of
6 documents, and then they filtered through them, and then
7 they provided certain ones to the government. But you
8 know, if you go in my office, you will find books about
9 HAMAS. If you go in the government's office, you will
10 find books about HAMAS. We don't know whether there was a
11 file on HAMAS and a file on Fatah, and these are the
12 groups we shouldn't have anything to do with or should
13 have anything to do with. We don't have any idea or
14 concept of the provenance of those, who put them there,
18:00 15 how they got there, what file they were in and who saw
16 them. And for these kinds of things to come in -- and
17 there are over a hundred exhibits that the government has
18 filtered from this group that include posters, key chains,
19 newspapers articles, various things that these zakat
20 committees had. And it's important to understand the
21 context.

22 THE COURT: Well, I agree that context is
23 everything, and I'm not in a position to say that
24 categorically before I have heard the evidence that none
25 of this evidence will be relevant. I can't do that in

18:00 1 limine.

2 MS. HOLLANDER: I fear this trial is going to be
3 one continuous Bench conference.

4 THE COURT: I assure you, Ms. Hollander, that it
5 will not be. That's going to take too much time with all
6 the lawyers we have to bring up to the Bench.

7 MS. HOLLANDER: I understand. And our efforts
8 to lay this out in great detail in this motion and to
9 explain why all of these items should be dealt with ahead
10 of time was to try to avoid that.

11 MR. DRATEL: Your Honor, this particular part --
12 First of all, getting beyond the authenticity of the
13 document which is zero, you will not have anyone that says
14 they took it from a certain place.

18:00 15 MS. SHAPIRO: That's not true.

16 MR. DRATEL: But the problem I want to speak to
17 is the extraordinary 1st Amendment implications of this
18 type of evidence. To try to get a conviction under a
19 statute that expressly says -- has a provision added by
20 Congress -- that says the statute shall not be interpreted
21 or construed in a manner to abridge 1st Amendment
22 freedoms. So they are saying now what you have read is
23 fair game -- what somebody else read.

24 THE COURT: I thought these things were seized
25 in Palestine. The 1st Amendment doesn't apply outside the

18:00 1 United States, does it?

2 MR. DRATEL: The statute is not designed to
3 punish people for supporting or sympathizing with a group,
4 and I say support in terms of moral support, ideological
5 support. There is no crime in that. So first of all, the
6 403 nature of it is off the charts. Particularly because
7 there is no relevance, and Al Qaeda is not what Holy Land
8 is accused of supporting. So it's almost amending the
9 indictment at this point when you say you give to a zakat
10 committee and they support Al Qaeda and therefore you
11 should convict them. It's quite plain.

12 THE COURT: I thought they were saying a zakat
13 committee is not just a charity but has a political aspect
14 and that political aspect includes supporting goals of Al
18:00 15 Qaeda?

16 MR. DRATEL: That's not the crime. They
17 shouldn't have been allowed to put that in.

18 THE COURT: Well, except it shows it's not just
19 a charity if it has a political aspect.

20 MR. DRATEL: Because I have something in my
21 library that's written by an Islamic fundamentalist? Does
22 that -- What does that mean?

23 THE COURT: I think that goes back to Pace. If
24 you limit a zakat committee to just a charity and nothing
25 else.

18:00 1 MR. DRATEL: We put our law in there, too, which
2 is from the Supreme Court, the Herndon v Lowry case which
3 is you cannot punish people and you cannot use -- It's
4 really a thought crime at that stage which is to say
5 because you have something in your library and you are
6 interested in a particular thing we're going to attribute
7 that intent to you and therefore convict you of a crime
8 that is not even the same crime because there is no crime
9 of simply having a poster or being a sympathizer. We
10 could all get on the street right now and speak for hours
11 about how wonderful any particular organization in the
12 world is that is a designated terrorist organization. I'm
13 not saying it won't be prosecuted, but the point is the
14 statute doesn't permit it.

18:00 15 MR. GARRETT: But it's your state of mind. What
16 one says is certainly protected by the 1st Amendment, but
17 it's certainly doesn't say it's not evidence. To go back
18 to these committees, I think that's not a good argument.
19 It's exactly what the issue is, the nature of the
20 committees and in every sense. The statute says one shall
21 not be prosecuted solely on the basis of the --

22 MR. DRATEL: That's not what it says.

23 MR. GARRETT: I go back and harness on to what
24 your Honor said. If they want to make argument as to
25 weight, that should be placed on that they should be

18:00 1 entitled to do so.

2 MR. JONAS: This is not a prosecution as to what
3 they said. As your Honor pointed out, this is a part of
4 the government's evidence to show the zakat committees are
5 controlled by HAMAS. It's one part and certainly evidence
6 of the zakat committees' relationship with HAMAS by the
7 fact that all of these key chains, posters and other
8 evidence show they are HAMAS.

9 MR. DRATEL: But not Al Qaeda. That's clear.
10 It's got nothing to do with Al Qaeda. I understand what
11 the Court is saying, but I also think that our purpose in
12 putting this in the context of this motion -- It's going
13 to have to be an item-by-item determination.

14 THE COURT: Well, I think that's right, and what
18:00 15 I'm telling you now is that I don't think I can
16 categorically say that type of evidence would not be
17 admissible at trial without any context to make that
18 determination.

19 MR. DRATEL: I understand what the Court is
20 saying. I want the Court to understand that we're now
21 going to have at trial and item-by-item determination
22 where we will be raising these in context.

23 MS. HOLLANDER: That was the point I was
24 raising, but to be clear about the 1st Amendment, it says
25 "Nothing in this section shall be construed to abridge the

18:00 1 rights guaranteed under the 1st Amendment." And the other
2 big problem with the evidence which the government has
3 never acknowledged is that we don't know -- we can't
4 even -- Even if you said the zakat committees weren't
5 charities -- and I have never heard that before. They are
6 charities. I don't think there is any question about
7 that. So the issue is whether or not these charities
8 support in the sense of moral support a particular
9 organization, but you don't even know that because these
10 items were all taken completely out of context since we
11 don't have the full range of items and we don't know where
12 they were found. Or maybe they were found in a file that
13 said don't support any of this. We don't have any way of
14 knowing that, nor does the government.

18:00 15 MS. SHAPIRO: If I could respond briefly. I
16 want to remind Ms. Hollander and everyone the words of
17 "humanitarian project," there is no 1st Amendment right to
18 support a terrorist organization and the items found in
19 the zakats go to show these zakats were part of the HAMAS
20 social network, and it's evidence that they were part of
21 the HAMAS social network, and so the fact that Holy Land
22 wants to use these charities does not implicate a First
23 Amendment issue if, in fact, as we allege, they are
24 connected to HAMAS's social structure.

25 MR. DRATEL: Humanitarian law doesn't say that.

18:00 1 It says you have no right to provide resources as
2 enumerated. Bowen says that in the 7th Circuit. In the
3 designation of Holy Land, the district court said that
4 humanitarian law -- said it more than once in the Ninth
5 Circuit and the district courts have said that advocacy,
6 support, sympathy, everything short of providing material
7 support and resources, and that's you can't give money to
8 the terrorist activity organization. But support is a
9 much broader term.

10 MR. GARRETT: That doesn't render irrelevant all
11 the things you were just discussing. Certainly we have to
12 add to that. We're going to show the nature of the
13 organizations and the nature of the Holy Land, its beliefs
14 and state of mind. Certainly by itself is not good
18:00 15 enough. Not good enough. I absolutely agree. But the
16 government intends to show that there was financial
17 support provided that goes in concert with that state of
18 mind and those beliefs. You cannot look at the money in a
19 vacuum but in the total context of the total organizations
20 and the defendants.

21 THE COURT: I think I have heard enough argument
22 now. I think I know what the motion is about, having
23 heard it explained by the defense. I am going to deny the
24 motion at this point without prejudice to the defense
25 making objections as these items of evidence are offered

18:00 1 by the government during its case.

2 Does that complete the motions in limine?

3 MR. JONAS: That just addresses the first
4 category they raised.

5 THE COURT: I thought she had gone through all
6 the others.

7 MR. JONAS: But the argument we had --

8 MR. GARRETT: Mr. Jonas needs to leave the room.

9 MR. JONAS: I thought you were addressing the
10 one issue. I didn't realize you were addressing the whole
11 motion in its entirety. I apologize.

12 THE COURT: I was just asking the question, Mr.
13 Jonas, if there are other motions in limine that I need to
14 deal with or are there others.

18:00 15 MR. JACKS: Our motion was a consolidated motion
16 in limine, and there were other points in there.

17 MS. SHAPIRO: One of them is we objected in
18 limine to one of the defense's proposed -- Well, I guess
19 on two levels we objected to the defense experts as
20 cumulative of each other and also to Leah Tesemel.
21 According to the defense, she intends to talk about
22 torture generally by the Government of Israel, and we
23 objected to that in limine and to the relevance of that.

24 THE COURT: I think I will be denying that
25 motion in limine as well, again because I don't have any

18:00 1 real context in order to make a determination. If that's
2 a defense witness, I don't think that I will need to
3 decide that before trial. I will have heard the
4 government's case by the time this witness is ready to
5 testify. If the government is so inclined, they can renew
6 that motion I suppose when we're ready to hear this
7 witness, and I should be in a much better position to make
8 a decision then than I am now.

9 MS. HOLLANDER: Your Honor, we do have other
10 outstanding motions. We have a motion in limine, and if
11 these have been ruled on and we missed them -- I suppose
12 it's possible.

13 THE COURT: No. I appreciate you telling me the
14 ones outstanding.

18:00 15 MS. HOLLANDER: We made a list. To stick with
16 the motion in limine, Docket Number 584 regarding issues
17 arising under the Religious Freedom Restoration Act and
18 the First Amendment, it was filed March 14, 2007. Did you
19 want all of them or one at a time?

20 THE COURT: Why don't you go through all of
21 them, and we can come back and talk about particular ones.

22 MS. HOLLANDER: There was also on the motions in
23 limine -- There is a motion to include the government's
24 experts or in the alternative for a Daubert hearing, and
25 that's filed 3-14-2007, Docket Number 582.

18:00 1 And then to go back much earlier, there is
2 Docket Number 399 filed October 6th, and that was the
3 Defendant's Joint Sealed Motion and Memorandum to Suppress
4 Evidence Obtained in FISA Surveillance. But it was filed
5 under seal. It's a classified motion. So I can't
6 describe it right now.

7 MR. STEWART: Can I make a suggestion? Would
8 you mind going through this list of motions that I show
9 pending and let me know if there are not my on that list?

10 MS. HOLLANDER: All right. I think it's just
11 from my list the 399 and 582 -- 399, 582 and 584. What
12 about -- We responded to the government's notice, 807 and
13 the CIPA motions. Does that help?

14 THE COURT: Do we need to take those up now or
18:00 15 are you working on them?

16 MR. STEWART: I'm working on everything at
17 various stages.

18 THE COURT: I'm informed and I'll pass along to
19 counsel for the record Mr. Stewart says that now that we
20 have gone through his list that he's working on all of
21 them, and they are at various stages of development, but
22 we should have rulings for you before trial, and I
23 apologize we're not further along, but as my justification
24 I'll go back to what I said in the beginning, that the
25 filings in this case are voluminous as everyone knows.

18:00 1 MS. HOLLANDER: And unfortunately, we have one
2 that we're filing today, but it's a brief motion I
3 discussed the other day. It's issues that your Honor has
4 decided. I think there is new issues, but we will be
5 filing that later today. It's finished. We just didn't
6 get a chance to get it on the electronic filing. It's
7 short.

8 MS. SHAPIRO: To follow-up on Ms. Hollander's
9 motion, unfortunately there are a couple of things coming
10 from us. One I think we raised the last time we were
11 together was a motion to reconsider the Court's ruling on
12 the witness from the Israeli Defense Forces who came to
13 authenticate.

14 THE COURT: I had understood that you were going
18:00 15 to file some additional material asking me to reconsider,
16 and as far as I know, we have not yet received it. So I
17 thought maybe you had changed your mind.

18 MS. SHAPIRO: No, the motion has actually been
19 prepared since the time we were here, but we asked the
20 defense minister to provide us with a document, and there
21 was an election in Israel, and the defense minister
22 changed, and now there is a new defense minister, and he
23 has it on his desk, and I was literally this morning on
24 the phone hoping we could get it scanned and sent over,
25 and I'm hoping it would be okay to file the scanned copy

18:00 1 and substitute with the original signature to speed things
2 up. We're anxious to get it to your Honor. It's a little
3 out of our control. But hopefully my in the next few days
4 that would come in. The other motion will also be very
5 short, and that would be a motion in limine with respect
6 to Steve McGonigle, who's the Dallas Morning News reporter
7 at the hearing we had before Judge Stickney. On the
8 motion to quash that trial subpoena which was denied,
9 there was an issue with respect to a confidential source
10 that Mr. McGonigle wants to protect. It's not the
11 government's intention to elicit that confidential source.
12 The government's perspective is it's not relevant to any
13 of his testimony. But in the opposing papers, the defense
14 indicated that they may want to compel that source. So we
18:00 15 wanted to at least make your Honor aware up front that
16 confidential source may be an issue that would come up,
17 and we wanted to at least put a motion in limine on
18 record.

19 MR. JONAS: There is also another motion, your
20 Honor. Motion under CIPA pertaining to potential 3500
21 material of certain witnesses, that material being
22 irrelevant and also classified. So we will be providing
23 an unclassified motion with classified attachments for the
24 Court's review. We think under 3500(c) the material is
25 not relevant and should not be turned over to the defense,

18:00 1 but we're asking the Court to review it.

2 THE COURT: It's currently pending or on the
3 way?

4 MR. JONAS: It's on the way. It should be filed
5 very shortly.

6 MS. HOLLANDER: That actually raises another
7 issue. Maybe it's a little out of order. Maybe not. And
8 that was a request of the government of which we can
9 anticipate receiving Jencks material, Giglio material, and
10 we would hope to know who their initial witnesses are so
11 since this is such a long trial we would know where to
12 start. Those were three requests that we had.

13 MR. JACKS: I think the local rule -- or maybe
14 it's your rule also. But the standard is like the night
18:00 15 before the witness testifies, but we're aware if the
16 witness has a fair volume of material we will try to turn
17 that over sufficiently -- maybe a week in advance or
18 something like that to give you adequate time to look at
19 it.

20 MS. HOLLANDER: For Jencks?

21 MR. JACKS: Yes.

22 MS. HOLLANDER: And Giglio?

23 MR. JACKS: Same.

24 MS. HOLLANDER: If it's all right, I'll ask Mr.
25 Jacks directly. Are you willing to tell us who your first

18:00 1 witnesses are so we know where to start? When you know.

2 MR. JACKS: Well, stipulations factor into that.
3 Because if we don't get stipulations, there is going to be
4 some records custodians. We anticipate Mr. Levitt being
5 the first witness.

6 MS. HOLLANDER: The first substantive witness?

7 MR. JACKS: Right.

8 MS. HOLLANDER: There is one other issue, your
9 Honor. There is outstanding discovery requests that we
10 have. And I think we made a list of them, and maybe after
11 this we can talk to Mr. Jacks. Some letters recently that
12 haven't been responded to. And we're all trying to get
13 those sorted out, and there is one other issue, and I
14 don't know that we disagree or not, but I think we do, and
15 that has to do with the Rule 615. We have a number of
16 expert witnesses in this case. We would like to obviously
17 be able -- We aren't asking that they all be in the
18 courtroom for three months or even necessarily during all
19 of the government's experts, but we would want them in the
20 courtroom perhaps for some of the government's experts,
21 but if they are not in the courtroom, we want to be able
22 to share testimony with our experts. So we would like and
23 we propose to the government that we assume that one side
24 or the other is going to invoke the Rule and that we
25 exclude all experts, theirs and ours and all translators

18:00 1 because translators may -- I'm not talking about
2 interpreters. Our clients all speak English, but
3 translators may have to be told about specific issues as
4 they come up. So our proposal was to exclude all
5 translators, ours and theirs, and all experts from the
6 Rule. And we have kind of gone back and forth, but we
7 haven't had a definitive answer on whether we agree on
8 this.

9 MR. JACKS: I think my last communication with
10 Marlo, who was the one that raised it with me, is you know
11 I probably would want to address it on a
12 witness-by-witness basis. But I think we really haven't
13 had a chance to talk about it. But she clarified to me
14 she wasn't necessarily talking about them being in the
18:00 15 courtroom. She just wanted to be free to tell them what a
16 witness said. My initial reaction is that I don't know
17 that I will have a problem with that.

18 MS. HOLLANDER: We just need to know whether we
19 need to raise it with the Court.

20 MR. JACKS: Your Honor translators are potential
21 witnesses.

22 MS. HOLLANDER: Only if there is an issue that
23 we can't agree on a translation. So we have to be able to
24 tell them what the translations are.

25 MR. JACKS: I understand.

18:00 1 MS. HOLLANDER: We may want to have an expert
2 come for a particular witness, but generally we're not
3 going to have our experts come and sit through. It's not
4 just expert to expert. I mean their experts are talking
5 about exhibits, and our experts are going to be talking
6 about exhibits. They just need to not be prohibited by
7 the Rule from sharing testimony with them.

8 THE COURT: I have not gone back and looked at
9 Rule 615 in the recent past. So my memory is a little
10 vague. But my understanding of the Rule is it's really
11 designed to cover fact witnesses, not experts.

12 MS. HOLLANDER: It is, your Honor.

13 THE COURT: And I would put translators in that
14 same category I think. Of course, at the margins you get
18:00 15 into a question of whether a particular witness is only an
16 expert witness or a combination expert and fact witness.
17 But to the extent they are entirely expert witnesses, I
18 personally don't think the Rule applies to them, and I
19 don't know if the circuit agrees with my interpretation or
20 not. So I don't think there should be a problem in having
21 anyone who's only an expert being in the courtroom at any
22 time or all the time, unless counsel have a different
23 view. That's my view of the matter.

24 MS. HOLLANDER: We did prepare a memo on this
25 which I don't have with me, but it's my understanding that

18:00 1 it's really within your discretion basically.

2 THE COURT: Well --

3 MS. HOLLANDER: It doesn't usually come up
4 because frankly both sides usually agree.

5 THE COURT: Well, I encourage you to continue to
6 have discussions with the government about it and see if
7 you can reach an agreement, and if you can't, I will make
8 a ruling if you bring it to my attention, but let's have
9 those discussions first and see if we can reach an
10 agreement. It seems to me for the most part it should be
11 a nonissue.

12 MS. HOLLANDER: That's what I thought.

13 MR. JACKS: Your Honor, in that vein, the
14 government was going to ask permission to have two agents
18:00 15 sit at counsel table, given the volume of evidence and --
16 And both of those agents will be witnesses, Ms. Burns and
17 Mr. Miranda. There may be a third agent that we would ask
18 to be excused from the Rule. But if he would testify and
19 what he would testify about is still up in the air.

20 MS. HOLLANDER: Your Honor, Rule 615 cases deal
21 with that issue also, and it is within your discretion to
22 permit that. What we would request because I suspect --

23 THE COURT: It's really a question of whether
24 they are entitled to the one additional. As a matter of
25 right they can have one, and my discretion extends to any

18:00 1 beyond that.

2 MS. HOLLANDER: You do have discretion, your
3 Honor, to order them to either have those witnesses
4 testify first so that they don't hear the testimony of our
5 witnesses or not be in the room when each other is
6 testifying, if there is more than one, and we would
7 request that at a very minimum -- In other words, if Ms.
8 Burns and Agent Miranda -- that they not be permitted to
9 know each other's testimony. At the very least if they
10 are not going to be the first and second witness.

11 THE COURT: Well, I haven't had that specific
12 request come up before. So I guess before I made a
13 decision I would like to see the case you are relying on.

14 MS. HOLLANDER: I have them and will provide
18:00 15 them both.

16 THE COURT: I think one thing that's in the
17 order that came up the other day in a way in the Kastigar
18 hearing, I called on Ms. Cadeddu to cross examine first
19 because her client was higher up in the list of defendants
20 in the indictment than Mr. Westfall's, and my order
21 regarding conduct of trial says cross examination and
22 presentation of any defense cases will go in the order
23 that the defendants are listed in the indictment unless by
24 agreement we come to some other order. I'm generally
25 receptive to letting defendants switch the order around as

18:00 1 long as that's not abused in some way, and I would hope
2 that with most of the government witnesses that some
3 lawyer on the defense side could sort of take the lead in
4 cross examining that witness and everybody else's
5 questions be nonexistent or minimum after the lead lawyer
6 does the cross examination. I would certainly be happy to
7 do it that way, and that way we would be varying the order
8 on the defense side somewhat, but I don't know what your
9 respective attitudes are.

10 MR. DRATEL: That is our intention, your Honor.
11 I mean it's our intention for a variety of reasons, our
12 own trial strategy.

13 THE COURT: All I can say again is don't make me
14 sorry that I am agreeing to that. Early on in my time
18:00 15 here back in the mid-eighties we had a large prosecution
16 which still holds the record in length of cases I presided
17 over. United States against Helms. Big mail fraud
18 prosecution. And the defense lawyers did make me regret
19 that about three or four weeks into the trial, and in
20 fact, I changed the procedure midway through the trial
21 because they were abusing it. But you work with me, and
22 I'll be working with you.

23 MS. HOLLANDER: Judge, one thing that the
24 defense wanted to bring up was the possibility that at
25 some point after the jury is selected -- and I don't know

18:00 1 if it would be after opening statements or where would be
2 a good time to do this -- would be to have a session with
3 the Court where the jury is not here and not waiting in
4 the juryroom, and then the parties can attempt to go
5 through the evidence that -- its admissibility can be
6 ruled on. For example, if a witness is not necessary and
7 if that took half a day or just like we had these
8 discussions here with the Court -- I guess the question is
9 if there are stipulations that we have worked out, but I
10 was just thinking if we could -- while not wasting the
11 jury's time have a session where we determine okay what
12 government evidence is going to be admitted and what can
13 be admitted and then get that out of the way so that we're
14 not stopping in the middle of trial. I don't know -- As I
18:00 15 said, some of it may not have a nature that you could do
16 that. You are going to need a witness or need to hear
17 testimony. But if there is evidence that's really a
18 question of law and the Court ruling on it, if the Court
19 would at least keep in mind the possibility of doing
20 something like that to make better use of our time where
21 we're not arguing over exhibits and not wasting the jury's
22 time.

23 THE COURT: Well, I don't know that I can make
24 that decision now based on what I know about the case. I
25 think as we get into the trial and we see how things are

18:00 1 going, I would be open to something like that if it looks
2 like it would be a productive use of time.

3 MR. JACKS: And I realize it's up to us to
4 crystallize those things so they are tee'd up for the
5 Court to say yea or nay so that we can do that.

6 THE COURT: I'm a little reluctant -- And again
7 without beating a dead horse, it may be difficult in a lot
8 of instances for me to make a judgment on some of these
9 witnesses without having a substantial context.

10 MR. WESTFALL: Your Honor, I think we will stay
11 in a constant dialogue about what things we can agree to
12 and what we can't. So if we get a pile of things that
13 need the Court's attention, that may be a good
14 alternative.

18:00 15 MR. DRATEL: But otherwise, the context is
16 essential.

17 MS. HOLLANDER: Can we also ask the government
18 if you can bring all the boxes at the FBI office and have
19 them here because we're going to need some of them. We
20 need the originals of some. At least nondemonstratives
21 for the jury.

22 MR. JACKS: Well, if you could tell me which
23 ones. I don't want to bring three hundred something boxes
24 down here, and you are going to need one piece of paper
25 out of one box. I'm certainly willing to -- if you could

18:00 1 give me a list of which original documents you think --

2 MS. HOLLANDER: I can tell you which boxes.

3 Maybe we can do it that way.

4 MR. JACKS: Well, yeah.

5 MS. HOLLANDER: We can try to do it by boxes.

6 But we need a substantial number of originals here.

7 THE COURT: I promised you at the beginning -- I
8 think I have gone through my agenda -- that I would give
9 each side an opportunity to raise any issues you have. I
10 see by the clock on the wall it's 11:40. I will want to
11 recess if we're not done by noon for lunch and take about
12 an hour and a half for lunch, and then when we come back
13 if we're not done with the pretrial conference, we need to
14 finish it and go on to the CIPA matters we discussed the
18:00 15 other day. I have a pretrial conference in another
16 case -- another criminal case at four o'clock. So we will
17 need to get everything done, if possible, by then. But
18 with that information, let me call on counsel for the
19 government for any additional issues.

20 MR. JACKS: My closing remarks. I'm tapped out,
21 your Honor. If I knew anything, I have forgotten it.

22 MS. HOLLANDER: I'm finished. We went through
23 my list.

24 MR. WESTFALL: Just one thing, your Honor. As
25 to the panels, in order to really hit the ground running

18:00 1 on Monday morning --

2 THE COURT: You talking about panels of jurors?

3 MR. WESTFALL: Yes. I think it would be real
4 helpful if we could have a list of who the jurors are
5 going to be that come in the first day. We spoke with
6 Leigh, and she said that you would have to give your
7 permission.

8 THE COURT: I don't see any problem. I think it
9 would expedite and make the process more efficient for all
10 counsel involved if you need ahead of time, and you will
11 have presumably the answers to these questionnaires well
12 in advance. So you probably will focus on some more than
13 others. I think that's a good idea myself.

14 MR. WESTFALL: That's all I had.

18:00 15 THE COURT: We had a discussion at an earlier
16 conference that once the jury is selected we should
17 somehow mix in the jury box the regular jurors and
18 alternate jurors which I think is an excellent idea, even
19 though I have never done that before. And I wanted to
20 discuss with counsel again to be sure that everybody is in
21 agreement about that and to find out how to do it. I
22 guess my initial sense of the best way would be once we
23 know who the jurors are and the alternate jurors are to
24 put the names in a hat and draw them out in a random order
25 so that they are not arranged in any particular way in the

18:00 1 jury box. And I would probably make some announcement to
2 them when they are sworn in that among you are regular
3 jurors and alternate jurors, and you don't know who you
4 are, and the parties and their counsel know, and you don't
5 know, and the reason I'm telling you this is that nobody
6 knows who will be serving as jurors at the time you begin
7 your deliberations. So it's important that everybody pay
8 attention throughout the trial or some language to that
9 effect.

10 MS. MORENO: Yes, your Honor, we would request
11 that sort of instruction from the Court.

12 THE COURT: Is the process okay on how we
13 arrange them in the jury box?

14 MS. MORENO: I have done that before, and it
18:00 15 works well, and everybody pays attention.

16 MS. HUDSON: Judge, how many jurors you want to
17 be brought in on the 16th?

18 THE COURT: That's another question I guess we
19 should talk about. At a rate of four an hour
20 approximately, I have just estimated that maybe we could
21 do twenty-four that day, and Mr. Westfall commented -- and
22 I think correctly -- that we should aim a little higher in
23 case we don't need to spend time with certain members. So
24 what do you think? Thirty or forty?

25 MR. JACKS: I thought we were going to do the

18:00 1 whole panel after --

2 THE COURT: No, we agreed to do that after we
3 did the individual panels and we have enough so that we
4 don't have to bring in 40.

5 MR. JACKS: Well, if they are not oriented and
6 educated about the case, to be sitting there and
7 questioning them individually I think is kind of putting
8 the cart before the horse a little bit. They haven't, you
9 know as I said, been oriented and notified about what the
10 case is about, the burden of proof and those kinds of
11 things and to start -- just to jump in cold with
12 individual voir dire I think could be problematic and
13 really deprives them of, you know, maybe some basic
14 fundamental information that would help them to form their
18:00 15 decision or their answers.

16 I wasn't aware that we were going to immediately
17 start in with individual voir dire regarding whatever
18 issues the parties started to bring up. I think it's
19 important and better to have the standard voir dire, first
20 of all, of as many as we can get in, as I said, and orient
21 and inform them about the process and who's who and what
22 the charges are.

23 THE COURT: Okay. I understand your position,
24 but I have already said that I am going to do it in the
25 way that's been proposed by the defense.

18:00 1 MR. DRATEL: Your Honor, I have just one thing.
2 I don't have to do it right now, but I want to alert the
3 Court or get some permission. There is some
4 health-related issues with respect to Mr. El Mezain. Some
5 of them are logistical about the courthouse and the
6 courtroom, and if I may speak to Ms. Hudson if the Court
7 will permit me to do that, and we'll try to work it out.

8 THE COURT: Anything else on the defense side?

9 MR. WESTFALL: No, your Honor.

10 THE COURT: Okay. We'll be in recess until
11 1:30, and we'll come back to resume with the CIPA matters
12 at that time.

13

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T I O N
2

3 I, Cassidy L. Casey, certify that during the
4 proceedings of the foregoing-styled and -numbered cause, I
5 was the official reporter and took in stenotypy such
6 proceedings and have transcribed the same as shown by the
7 above and foregoing pages 1 through 79 and that said
8 transcript is true and correct.

9

10 I further certify that the transcript fees and format
11 comply with those prescribed by the court and the Judicial
12 Conference of the United States.

13

14

15

16

Cassidi Casey/s

17

18

19

20

21

22

23

24

25

CASSIDI L. CASEY
UNITED STATES DISTRICT REPORTER
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION
CSR NUMBER 1703

< 0 >
04-CR-240-G 1:5
05/842-9960505/842-9960
1:47

< 1 >
1 39:11, 79:7
10 43:6, 44:9
10005 2:7
10985 2:25
1100 1:33, 3:14
1106 44:9
11:40. 74:10
12/732-0707212/732-0707
2:8
13-247-4500813-247-4500
2:27
14 2:6
14-254-3139214-254-3139
3:16
14/659-8600214/659-8600
1:35
14/744-3015214/744-3015
2:18
15/875-5812415/875-5812
2:34
15D6L 3:14
16th 23:16, 34:21, 76:17
17/877-1700817/877-1700
3:9
1703 3:13, 79:21
17th 23:17
18 39:8
180 43:15
1976 13:3
1993 43:24
1995 50:6
1:30 78:11
1st 54:17, 54:21, 54:25,
56:16, 57:24, 58:1, 58:17

< 2 >
2 44:4
20 1:45
2000. 47:16

2339(b) 39:9, 40:14
240 23:6, 23:10, 24:11
24th 33:18
26th 2:32
28th 2:6
2nd 13:3

< 3 >
3 1:5, 44:5
3232 2:16
33679 2:26
3500 64:20
3500(c) 64:24
399 62:2, 62:11
3:0 4:4
3d 44:9

< 4 >
4 43:2
4-240-G 4:4
40 23:3
40. 77:4
403 36:17, 38:7, 38:17,
41:19, 41:22, 44:6, 44:14,
44:18, 55:6
403. 39:3, 44:12, 45:5
404(b) 36:18
468 43:3

< 5 >
5 13:3
535 13:3
555 2:31, 32:5
582 62:11
582. 61:25
584 61:16
584. 62:11

< 6 >
615 8:10, 68:9, 69:20
615. 66:15

< 7 >
700 1:45, 2:16
75204 2:17

75242 1:34, 3:15
76102 3:8
79 79:7
7th 59:2

< 8 >
801 34:20
807 62:12
87102 1:46

< 9 >
9-11 45:20
910 3:7
94104-1500 2:33
948 13:3
958 13:3

< A >
AARON 2:4
Abdulqader 2:11
able 6:4, 6:5, 6:6, 6:8, 6:16,
8:16, 16:6, 26:6, 27:20,
27:23, 33:13, 42:16, 42:22,
66:17, 66:21, 67:23
above 79:7
abridge 54:21, 57:25
absolutely 59:15
abused 71:1
abusing 71:21
access 6:4, 7:14, 50:1
accessible 6:18
According 60:21
accuracy 13:10
accurate 12:21, 13:1, 14:1,
47:7, 47:10
accurately 6:7
accused 38:9, 55:8
acknowledged 58:3
ACLU 51:7, 51:9, 51:12
Act 38:22, 39:21, 40:9, 61:17
acted 7:18
activities 46:18
activity 39:15, 40:3, 40:17,
59:8
acts 9:6, 36:25, 37:4, 37:21,
37:25, 39:17, 39:22, 39:23,
40:1, 40:5, 40:7, 40:8, 42:18

actual 11:3
Actually 17:16, 18:13, 23:20, 29:22, 43:4, 44:1, 45:8, 63:18, 65:6
add 13:21, 38:3, 49:20, 59:12
added 54:19
additional 63:15, 69:24, 74:19
additionals 25:18
address 10:14, 13:17, 17:10, 28:22, 43:6, 67:11
addresses 60:3
addressing 14:3, 60:9, 60:10
adequate 32:19, 65:18
adhere 27:20
admissibility 72:5
admissible 45:5, 57:17
admission 12:11, 12:22, 46:18, 49:11, 50:4
admitted 6:12, 7:7, 7:15, 7:25, 72:12, 72:13
advance 32:15, 32:16, 35:20, 65:17, 75:12
advantage 15:22
advantages 25:2
advocacy 59:5
after 10:19, 19:7, 19:19, 19:22, 25:20, 27:4, 28:23, 38:25, 47:17, 48:14, 66:10, 71:5, 71:25, 72:1, 77:1, 77:2
afternoon 23:16
Again 20:19, 23:17, 36:8, 60:25, 71:13, 73:6, 75:20
against 4:3, 13:2, 14:6, 34:25, 43:24, 45:19, 50:9, 71:17
agenda 4:5, 5:5, 74:8
Agent 19:21, 69:17, 70:8
agents 69:14, 69:16
ago 4:8, 13:2, 14:15, 46:10
agree 8:21, 9:2, 13:6, 13:18, 13:19, 13:20, 14:19, 15:21, 34:23, 35:23, 53:22, 59:15, 67:7, 67:23, 69:4, 73:11
agreed 30:22, 48:13, 77:2
agreeing 71:14
agreement 69:7, 69:10, 70:24, 75:21
agrees 68:19

ahead 9:24, 28:1, 28:12, 54:9, 75:10
aiding 15:14, 15:15
aim 76:22
air 33:21, 69:19
AI 1:11, 45:14, 45:18, 48:3, 49:18, 49:21, 49:23, 52:7, 55:7, 55:10, 55:14, 57:9, 57:10
Albuquerque 1:46
alert 78:2
alien 30:8
allegation 37:19, 39:2
allege 58:23
Alleged 14:9, 34:19, 45:17, 49:21, 49:22, 50:3, 50:5
alleges 48:2
Allibhai 14:6
allowed 42:21, 48:10, 55:17
almost 51:24, 55:8
alone 22:6
along 16:15, 25:7, 30:9, 62:18, 62:23
already 28:15, 77:24
also 10:2, 12:5, 26:12, 38:3, 41:14, 46:7, 46:23, 49:24, 50:14, 52:12, 52:23, 57:11, 60:20, 61:22, 64:4, 64:19, 64:22, 65:14, 69:21, 73:17
alternate 13:7, 75:18, 75:23, 76:3
alternates 25:12
alternative 61:24, 73:14
alternatively 6:22
although 20:24, 24:11, 30:18, 43:25, 48:20
always 22:1, 31:24, 33:4, 42:1
am 6:4, 6:5, 25:11, 30:13, 30:23, 34:22, 44:24, 47:1, 47:3, 52:4, 59:23, 61:8, 71:14, 77:24
ameliorate 26:12
amending 4:21, 4:24, 55:8
Amendment 54:17, 54:21, 54:25, 56:16, 57:24, 58:17, 58:23, 61:18
Amendment. 58:1
AMERICA 1:5
American 43:15

among 14:25, 17:22, 42:9, 52:11, 76:2
Amongst 17:18, 17:20
amount 28:4, 41:13
analogy 47:8
announcement 76:1
Another 5:22, 7:25, 39:25, 42:2, 42:16, 64:19, 65:6, 74:15, 74:16, 76:18
answer 32:9, 67:7
answering 23:5
answers 21:5, 23:7, 26:10, 75:11, 77:15
anticipate 9:14, 32:9, 65:9, 66:4
anticipated 20:2
anticipates 6:1
anxious 64:2
anybody 8:14, 9:10
anymore 27:4
anyone 9:5, 54:13, 68:21
Anything 8:13, 17:2, 27:11, 38:20, 53:12, 53:13, 74:21, 78:8
Anyway 21:4, 44:4
apologize 42:10, 60:11, 62:23
appear 19:17
application 44:14
applied 44:7
applies 68:18
apply 54:25
appreciate 32:10, 34:10, 61:13
approach 11:2, 26:19, 26:23
appropriate 4:7, 6:7
appropriately 5:3
approved 12:13, 35:5
approximately 76:20
Aqsa 48:3
areas 40:4
aren't 66:17
arguable 30:17
arguing 43:22, 72:21
argument 29:4, 42:11, 43:20, 51:16, 51:18, 51:20, 56:18, 56:24, 59:21, 60:7
arguments 35:14
arises 36:4
arising 61:17

arithmetic 26:15
around 34:7, 34:15, 70:25
arraignment 18:14
arrange 76:13
arranged 75:25
articles 50:15, 50:17, 50:18, 53:19
ascertain 9:3, 9:9
ask 10:7, 10:15, 11:6, 13:21, 15:13, 20:23, 22:19, 28:1, 28:2, 35:11, 35:24, 39:5, 46:8, 48:7, 65:24, 69:14, 69:17, 73:17
asked 5:1, 16:19, 27:13, 31:19, 63:19
asking 23:23, 35:13, 60:12, 63:15, 65:1, 66:17
aspect 55:13, 55:14, 55:19
assemble 25:15
assembled 25:16, 25:18
assets 48:16
assist 19:8
Assistant 1:29, 19:10
assume 66:23
assuming 5:20
assure 54:4
attachments 64:23
attack 42:4, 42:5
attempt 72:4
attention 50:2, 69:8, 73:13, 76:8, 76:15
attitudes 71:9
Attorney 1:29, 28:8
attribute 51:23, 56:6
audio 12:1, 15:4
authenticate 63:13
authentication 49:4
authenticity 54:12
authorities 34:24
available 6:20, 23:21, 23:24
Avenue 2:16, 3:7
avoid 16:25, 54:10
await 5:1
aware 15:2, 35:21, 35:22, 40:15, 40:19, 64:15, 65:15, 77:16

< B >

back 8:8, 9:12, 14:17, 16:20,

19:3, 19:13, 20:12, 20:19, 22:23, 23:1, 24:8, 27:10, 27:14, 29:5, 52:3, 55:23, 56:17, 56:23, 61:21, 62:1, 62:24, 67:6, 68:8, 71:15, 74:12, 78:11
background 41:6
Baker 1:38
bank 17:7
BARRY 1:26
based 20:14, 21:5, 32:8, 44:24, 50:10, 72:24
basic 77:13
basically 25:22, 35:17, 47:3, 69:1
basis 6:19, 37:11, 51:23, 56:21, 67:12
bathroom 27:10
beating 73:7
become 35:19
beforehand 16:4
began 46:10
begin 31:8, 76:6
beginning 24:9, 33:12, 62:24, 74:7
begun 19:1
behind 11:10, 11:11, 15:21
beliefs 59:13, 59:18
believe 32:23, 42:12
believes 51:7
bell 32:23
Bench 5:18, 10:12, 54:3, 54:6
benefit 20:6, 44:8
benign 52:18
best 13:4, 21:11, 33:24, 34:5, 75:22
better 20:7, 61:7, 72:20, 77:19
beyond 33:1, 54:12, 70:1
Big 9:19, 21:18, 25:14, 58:2, 71:17
bin 45:16, 52:8, 52:11, 52:23
binders 16:21
bit 7:22, 9:14, 32:1, 77:8
blow 10:1
board 37:19
bombers 38:13
bombing 37:3, 38:14, 39:1, 40:10, 41:5, 41:16, 42:2

bombings 38:16, 39:23
books 53:8, 53:10
bootstrapping 41:7
Boston 42:15
bottom 19:3, 44:4
bouncing 52:3
Bourjailey 35:5
Bowen 59:2
BOX 2:25, 73:25, 75:17, 76:1, 76:13
boxes 73:18, 73:23, 74:2, 74:5
BOYD 1:43
branch 14:10
brief 63:2
briefly 35:11, 40:8, 58:15
bring 8:8, 13:13, 17:5, 21:6, 21:12, 21:16, 22:5, 22:21, 22:23, 23:12, 23:15, 24:11, 24:17, 24:18, 24:19, 26:24, 27:14, 37:2, 37:5, 42:16, 50:2, 54:6, 69:8, 71:24, 73:18, 73:23, 77:4, 77:18
bringing 22:6, 24:6, 27:11, 40:6, 45:18
broad 45:12
broader 59:9
brought 42:17, 44:25, 76:17
built 21:15
burden 21:17, 25:19, 77:10
Burn 7:7, 7:8
Burns 69:16, 70:8
business 6:3, 16:25
bussed 31:5
busy 34:1
button 11:2, 11:3

< C >
CA 2:33
Cadeddu 2:14, 2:15, 70:18
California 2:31
call 9:7, 17:1, 53:3, 74:18
called 4:9, 13:2, 31:13, 43:23, 70:18
camera 10:11, 19:11
care 18:16
cart 77:8
cases 4:13, 10:19, 14:5, 30:3, 32:18, 69:20, 70:22,

71:16	CIPA 62:13, 64:20, 74:14, 78:11	committee 40:1, 49:9, 55:10, 55:13, 55:24
CASEY 3:13, 79:3, 79:17	circle 32:22	committees 40:3, 47:15, 49:5, 52:10, 52:17, 53:20, 56:18, 56:20, 57:4, 57:6, 58:4
Casey/s 79:16	Circuit 12:11, 12:12, 12:13, 12:22, 13:1, 13:9, 13:22, 14:7, 20:4, 34:25, 35:4, 43:24, 44:2, 59:2, 59:5, 68:19	committing 27:18
CASSIDI 3:13, 79:3, 79:16, 79:17	citation 42:12	communicate 5:12
categorically 53:24, 57:16	cite 31:23	communication 67:9
categories 36:16, 36:24, 45:9, 45:24, 46:1, 47:12, 50:20	cited 34:24	communications 39:20
category 39:23, 45:12, 46:21, 47:14, 47:19, 60:4, 68:14	citizens. 43:15	community 30:6
cause 21:15, 26:7, 26:12, 26:25, 28:25, 29:5, 79:4	claim 40:8	Company 49:14
cautionary 20:4	claimed 39:19	comparing 45:17
cautious 44:15	claiming 40:21	comparison 49:18
caveat 30:21, 33:14	claims 40:9	compel 64:14
CD 7:8, 11:18	clarification 5:6, 28:22, 31:19	complete 60:2
celebrating 42:3	clarified 67:13	completely 37:25, 42:23, 48:25, 58:10
Center 31:24, 46:25, 47:1	classified 15:14, 62:5, 64:22, 64:23	comply 79:11
certain 12:9, 14:15, 14:16, 22:4, 22:10, 25:3, 28:4, 30:4, 30:7, 38:1, 39:17, 53:7, 54:14, 64:21, 76:23	clear 41:19, 42:1, 57:9, 57:24	concentrate 27:24
Certainly 15:24, 16:5, 34:10, 56:16, 56:17, 57:5, 59:11, 59:14, 71:6, 73:25	clearly 29:14, 45:19	concept 53:14
certify 79:3, 79:10	Clerk 8:12, 11:23	concern 7:3, 32:23
chains 49:6, 53:18, 57:7	client 70:19	concerned 19:21, 22:7, 36:22, 36:24
challenge 26:25, 29:2, 42:22, 45:13, 46:14, 49:25, 50:4, 50:8, 50:10	clients 38:2, 67:2	concerning 31:3
challenged 10:21, 36:17, 45:9, 46:4, 46:7, 48:1, 48:17, 49:11	CLINE 2:29	concerns 26:13
challenges 21:15, 25:13, 26:7	clock 22:13, 27:9, 74:10	concert 59:17
challenging 36:15, 36:19, 46:17, 46:18, 49:17, 50:14	close 29:22	concessions 32:17
chance 25:4, 63:6, 67:13	closed 47:18, 48:16	conclusion 19:4
changed 63:17, 63:22, 71:20	closing 74:20	Conduct 4:9, 39:12, 70:21
character 36:22	clothing 19:14	conducted 44:13
charged 47:22	Co-conspirator 34:19	Conference 1:16, 4:2, 29:9, 29:20, 30:1, 35:9, 54:3, 74:13, 74:15, 75:16, 79:12
charges 39:9, 77:22	coconspirator 36:18, 50:3, 50:5	conferences 16:24, 32:1, 32:7
charities 52:18, 58:5, 58:6, 58:7, 58:22	cocounsel 35:16, 36:10	confidential 64:9, 64:11, 64:16
charity 55:13, 55:19, 55:24	Code 39:8	conflict 43:7, 43:8, 43:12
charts 9:15, 9:25, 42:23, 55:6	cold 77:11	conflicts 34:11
Chechnian 52:23	combination 68:16	confrontation 49:25
	comes 6:23, 35:25, 41:2, 41:14, 41:18, 44:1, 51:17	Congress 54:20
	comfortable 29:16	connected 58:24
	coming 63:9	connection 51:21
	commence 4:16, 24:24	conservative 26:19
	commences 18:17	consideration 13:8
	commented 76:21	consolidated 60:15
	comments 32:11, 34:10	conspiracy 50:7
	Commerce 1:33, 3:14	constant 73:11
	committed 39:18, 39:19, 40:10, 40:22, 42:2	construed 54:21, 57:25
		consumption 35:6

contact 9:11
contamination 32:7
contemplated 25:16
contemplating 28:23
contended 13:14
content 12:18
contest 44:22
contested 41:9, 41:11, 41:13
context 6:7, 28:19, 41:24, 42:6, 45:4, 46:22, 49:10, 53:21, 53:22, 57:12, 57:17, 57:22, 58:10, 59:19, 61:1, 73:9, 73:15
continue 69:5
continuing 5:12
continuous 54:3
contract 31:7, 31:9
control 64:3
controlled 10:11, 11:1, 57:5
convenience 34:7, 34:13
Convention 46:25, 47:1
conventions 46:5, 46:24
conversation 12:19, 31:2, 41:16, 41:24, 41:25, 42:6
conversations 41:3
convict 55:11, 56:7
conviction 54:18
convictions 48:18, 48:20
copies 6:12, 7:5
copy 16:19, 36:12, 63:25
core 28:17
correct 16:10, 37:14, 79:8
correctly 11:20, 76:22
counsel 11:11, 17:8, 20:21, 23:15, 35:11, 35:13, 62:19, 68:22, 69:15, 74:18, 75:10, 75:20, 76:4
counsels 26:9
couple 35:9, 46:10, 52:23, 63:9
course 25:23, 35:3, 45:1, 68:14
Courthouse 1:32, 31:5, 78:5
courtroom 4:13, 9:13, 10:4, 10:18, 10:19, 21:2, 23:7, 23:13, 23:21, 23:24, 24:4, 24:11, 24:18, 24:19, 66:18, 66:20, 66:21, 67:15, 68:21, 78:6
courts 59:5

cover 4:5, 12:10, 68:11
covering 6:1, 8:3, 9:1
creates 41:22
crime 44:22, 55:5, 55:16, 56:4, 56:7, 56:8
criminal 32:13, 33:24, 50:8, 50:13, 74:16
cross 70:18, 70:21, 71:4, 71:6
crystallize 73:4
CSR 3:13, 79:21
culture 30:6
cumulative 44:16, 60:20
currently 65:2
curve 11:5
custodial 17:1
custodians 66:4
cut 16:20, 23:24, 25:22, 26:8
CUTRER 3:5

< D >

d)(2)(e 34:20
D. 2:29
daily 6:9, 6:18
DALLAS 1:3, 1:34, 2:17, 3:15, 5:24, 7:18, 8:1, 8:22, 9:5, 47:1, 64:6, 79:20
DANIELS 1:43
data 18:1
date 31:8, 40:9, 48:15, 50:7
dated 5:23
Daubert 61:24
Day 2:30, 6:5, 6:13, 7:5, 7:15, 7:16, 12:8, 15:2, 21:13, 23:16, 24:12, 26:21, 26:23, 30:22, 31:6, 33:21, 34:11, 41:17, 42:5, 63:3, 70:17, 72:7, 74:15, 75:5, 76:21
days 20:16, 23:10, 23:11, 25:25, 27:1, 46:10, 64:3
dead 73:7
deadline 6:9
deal 15:9, 60:14, 69:20
dealt 54:9
decide 61:3
decided 22:11, 28:6, 63:4
decides 13:1
decision 13:3, 14:7, 30:9, 33:9, 35:4, 43:24, 44:2, 61:8,

70:13, 72:24, 77:15
Defendant 1:38, 2:1, 2:11, 2:20, 3:1, 31:13, 40:15, 40:18, 40:19, 40:20, 40:22, 40:24, 40:25, 41:3, 41:4, 41:5, 41:8, 41:15, 42:1, 43:9, 44:3, 48:18, 62:3
defendants 6:11, 15:13, 18:2, 18:9, 34:17, 39:19, 41:9, 43:5, 43:11, 45:20, 46:11, 47:25, 48:24, 59:20, 70:19, 70:23, 70:25
Defense 9:22, 11:17, 12:20, 13:14, 30:12, 30:16, 30:17, 31:22, 33:3, 33:10, 35:13, 35:19, 35:21, 36:1, 36:6, 38:4, 40:12, 40:18, 43:11, 44:25, 52:19, 59:23, 59:24, 60:18, 60:19, 60:21, 61:2, 63:12, 63:20, 63:21, 63:22, 64:13, 64:25, 70:22, 71:3, 71:8, 71:18, 71:24, 77:25, 78:8
Defensive 37:22, 53:3
definitive 67:7
deliberations 19:9, 76:7
democratic 51:22
denied 7:24, 64:8
deny 34:22, 36:3, 44:24, 59:23
denying 12:22, 60:24
Department 1:30, 50:24, 50:25, 51:2, 51:15
Depending 16:14, 52:3
deprives 77:13
deputy 10:13, 10:15, 10:16, 10:19
describe 36:21, 40:9, 62:6
designated 38:6, 39:13, 40:15, 41:10, 42:8, 42:21, 43:9, 43:14, 45:13, 47:15, 56:12
designation 50:5, 59:3
designations 47:20, 47:22
designed 35:14, 55:2, 68:11
desk 63:23
despite 44:21
detail 5:5, 21:8, 54:8
details 29:23, 31:3, 41:6
determination 57:13, 57:18,

57:21, 61:1
determine 72:11
development 62:21
dialogue 73:11
different 21:3, 32:11, 32:16, 32:17, 42:9, 68:22
differently 32:14
difficult 27:18, 45:2, 73:7
difficulties 16:4, 33:24
difficulty 4:11, 21:19
digital 19:10
digitized 12:6
dire 4:19, 4:25, 20:10, 22:1, 22:15, 22:16, 22:17, 22:20, 23:10, 23:13, 23:14, 24:3, 25:21, 28:7, 28:8, 29:12, 31:13, 31:23, 33:1, 33:7, 33:11, 77:12, 77:17, 77:19
direct 10:16
directly 65:25
directors 37:19
directs 10:16
disagree 15:20, 32:12, 33:3, 41:23, 66:14
disagreement 12:24, 13:10
disagreements 14:21
disappoint 33:12
discovery 66:9
discretion 69:1, 69:21, 69:25, 70:2
discuss 5:4, 28:24, 31:22, 34:17, 39:18, 39:24, 75:20
discussed 6:10, 17:16, 17:21, 17:22, 20:10, 21:20, 25:2, 25:6, 26:3, 29:9, 29:24, 31:25, 39:22, 46:1, 63:3, 74:14
discussing 32:3, 32:4, 39:21, 59:11
discussion 16:24, 29:21, 32:6, 75:15
discussions 69:6, 69:9, 72:8
disk 6:20, 6:24
displayed 9:23
dispute 12:20
disregard 35:24
disseminated 19:25
DISTRICT 1:1, 1:2, 1:31, 30:5, 42:12, 59:3, 59:5, 79:18, 79:19

DIVISION 1:3, 79:20
Docket 4:4, 61:16, 61:25, 62:2
Document 6:13, 6:16, 10:10, 11:3, 32:5, 43:3, 49:12, 49:18, 49:21, 49:23, 54:13, 63:20
documentary 19:4
documents 5:9, 6:8, 6:14, 6:19, 6:22, 7:10, 7:14, 8:14, 9:4, 15:5, 38:1, 45:16, 45:17, 49:4, 50:12, 51:3, 53:1, 53:6, 74:1
doing 10:24, 15:17, 16:2, 16:16, 25:24, 30:5, 30:7, 30:10, 42:18, 43:18, 72:19
done 14:22, 22:1, 26:1, 32:18, 38:17, 46:23, 46:24, 51:4, 74:11, 74:13, 74:17, 75:19, 76:14
door 43:13
doubt 44:9
down 16:7, 16:20, 23:25, 24:11, 26:7, 26:8, 28:17, 43:18, 47:1, 73:24
dragged 44:17
DRATEL 2:3, 2:5, 4:25, 5:6, 8:6, 8:16, 10:3, 10:23, 18:4, 18:11, 18:20, 20:15, 28:3, 29:16, 30:6, 30:20, 32:6, 38:3, 38:15, 40:11, 42:20, 50:21, 51:20, 54:11, 54:16, 55:2, 55:16, 55:20, 56:1, 56:22, 57:9, 57:19, 58:25, 71:10, 73:15, 78:1
draw 75:24
dressing 38:24
drives 41:21
DUNCAN 1:42, 36:14, 36:24, 37:16, 45:8, 45:12, 45:25, 46:4, 46:16, 47:14, 47:19, 49:11, 49:24
during 7:15, 9:7, 17:25, 22:19, 31:6, 36:4, 48:4, 48:22, 49:13, 53:2, 60:1, 66:18, 79:3

< E >
earlier 7:3, 18:7, 20:13,

20:19, 25:2, 25:7, 29:25, 31:1, 31:2, 33:10, 34:2, 44:1, 62:1, 75:15
Early 71:14
easier 10:24
East 37:12
Eastern 42:12
easy 26:11, 30:8
editing 7:2
educated 77:6
effect 38:13, 44:18, 76:9
efficient 21:25, 22:15, 26:1, 75:9
effort 4:12, 13:5
efforts 16:24, 54:7
Either 11:18, 15:25, 18:16, 19:2, 23:16, 29:1, 34:3, 36:1, 39:7, 47:20, 70:3
EI 78:4
El-mezain 2:1
Elashi 2:20, 18:7, 48:18
Eleanore 19:10
election 63:21
electronic 6:20, 9:13, 9:16, 9:17, 10:4, 11:17, 63:6
element 40:14, 41:7
elements 38:20
elicit 35:14, 64:11
eliminate 28:16
eliminated 28:15
ELIZABETH 1:27
embark 29:22
empathize 16:6
encourage 15:24, 69:5
encouraged 38:13
end 6:12, 7:15, 16:7, 16:13, 30:21, 30:22
engaged 37:11, 39:14, 39:15
engages 39:16, 40:16
England 49:22
English 67:2
enormous 15:9
enough 21:15, 24:1, 43:20, 59:15, 59:21, 77:3
entire 21:16
entirely 68:17
entirety 60:11
entitled 34:18, 39:11, 40:4, 42:7, 49:12, 57:1, 69:24
enumerated 59:2

equipment 10:21, 11:22
escaped 36:9
especially 18:25
essential 73:16
estimate 31:9
estimated 76:20
ET 1:11
event 9:2, 45:21
events 46:11, 46:20, 48:14
everybody 12:10, 44:8, 71:4, 75:20, 76:7, 76:15
everyone 22:6, 58:16, 62:25
everything 47:4, 53:23, 59:6, 62:16, 74:17
exactly 20:22, 24:16, 33:19, 56:19
exaggeration 7:22
examination 70:21, 71:6
examine 70:18
examining 71:4
example 37:21, 40:2, 47:24, 72:6
examples 31:24
excellent 75:18
Except 32:15, 55:18
exchanged 5:9
Exclude 34:19, 36:7, 66:25, 67:4
excluding 44:16
exclusion 44:12, 44:21
excused 69:18
exercised 21:14
exhibit 4:19, 4:24, 5:7, 45:15, 50:2, 50:16
exhibits 5:8, 5:18, 6:12, 6:24, 8:5, 9:12, 9:15, 11:17, 17:13, 36:15, 53:17, 68:5, 68:6, 72:21
expand 34:9
expect 6:16, 8:16
expected 19:1, 33:17
expecting 42:11
expedite 17:10, 75:9
expeditious 35:2
experience 20:15, 26:9, 29:4, 35:1
experienced 16:1
expert 39:18, 39:24, 40:7, 66:16, 68:1, 68:4, 68:16, 68:17, 68:21

experts 60:19, 61:24, 66:19, 66:20, 66:22, 66:25, 67:5, 68:3, 68:4, 68:5, 68:11
explain 54:9
explained 59:23
explore 27:14
explored 22:18
exploring 22:14
expressly 48:13, 54:19
extended 24:5
extends 69:25
extent 13:17, 48:6, 68:17
extra 10:7, 22:25, 24:7, 38:7
extraordinary 41:13, 54:17

< F >

fact 38:25, 57:7, 58:21, 58:23, 68:11, 68:16, 71:20
factor 66:2
facts 44:13
fair 14:1, 54:23, 65:16
fairly 37:11
fairness 44:20
fall 7:4
familiar 4:15, 8:9, 35:10
family 47:25
far 7:5, 9:19, 32:18, 42:19, 42:23, 63:16
Fatah 53:11
faxes 39:22
FBI 73:18
fear 54:2
Federal 34:20, 44:6
feel 34:14
fees 79:10
few 64:3
Fifteen 21:12, 22:7, 22:24, 24:7, 24:20, 25:1, 25:9, 26:15, 26:20, 27:3, 27:9, 27:11, 28:8, 28:9, 28:11, 28:24, 31:15
Fifth 12:12, 13:22, 14:7, 20:4, 43:24, 44:1
fifty-two 28:13
fight 41:1
fighting 41:1
figure 17:22, 25:8, 26:14
figured 27:12
figuring 28:6

file 50:13, 53:11, 53:15, 58:12, 63:15, 63:25
filed 32:5, 34:17, 35:12, 43:4, 61:18, 61:25, 62:2, 62:4, 65:4
files 50:17, 50:18
filings 31:21, 43:8, 63:2, 63:5, 63:6
filings 51:3, 62:25
filtered 53:6, 53:18
financial 17:7, 59:16
financing 38:9
find 10:22, 15:8, 15:20, 53:8, 53:10, 75:21
fine 10:8, 10:23, 18:19, 18:20, 19:15, 36:5
finish 74:14
finished 14:23, 15:2, 15:10, 63:5, 74:22
First 1:45, 4:8, 6:23, 16:5, 20:16, 22:7, 23:12, 33:17, 35:12, 36:16, 45:11, 47:13, 49:14, 52:5, 54:12, 55:5, 58:22, 60:3, 61:18, 65:25, 66:5, 66:6, 69:9, 70:4, 70:10, 70:18, 75:5, 77:19
FISA 62:4
FISH 1:18
Fitzwater 23:21
five 21:12, 26:21, 27:11
flagrant 26:11
flavor 42:7
Floor 2:6, 2:32
Florida 2:26
flushed 25:5
focus 5:2, 17:11, 27:16, 75:12
focusing 22:13
follow 25:19
follow-up 22:5, 22:10, 22:21, 23:14, 63:8
follow-ups 22:8
Footnote 13:3, 43:2, 43:6
force 44:17
Forces 63:12
foregoing 79:7
foregoing-styled 79:4
foreign 13:23, 13:24, 14:4, 14:8, 17:7, 38:5
forgotten 74:21

form 77:14
format 79:10
Fort 3:8
forth 4:20, 20:8, 29:5, 52:3, 67:6
forty 20:25, 76:24
found 49:7, 49:8, 49:10, 50:17, 50:18, 58:12, 58:18
Foundation 1:11, 4:3, 37:8, 37:12, 37:15, 37:17, 37:20, 46:6, 47:23, 48:9, 48:11, 48:12, 48:15, 49:12, 49:17, 52:18
four 16:21, 20:16, 23:10, 23:11, 25:25, 26:16, 27:1, 45:23, 71:19, 74:16, 76:19
four. 45:25
fourteen 31:16
fourth 23:18
Fragoso 34:25
Francisco 2:33
frankly 69:4
fraud 71:17
free 67:15
FREEDMAN 1:43
Freedom 61:17
freedoms 54:22
friends 32:22
front 16:20, 17:3, 21:19, 31:24, 36:12, 43:1, 44:9, 64:15
full 42:7, 58:11
fully 6:5
function 10:9, 44:15
fundamental 77:14
fundamentalist 55:21
fundraisers 46:14
fundraising 46:11, 46:17, 46:23, 46:24
funneled 37:18
funneling 37:13
future 43:7

< G >
Gail 23:23
gain 6:4, 29:17
game 54:23
GARRETT 1:28, 9:18, 52:14, 56:15, 56:23, 59:10, 60:8

gate 27:25
gave 31:8
general 20:11, 20:20, 21:4, 21:17, 22:1, 23:13, 29:21, 36:16, 36:20, 36:21, 37:9, 49:24
generally 19:7, 48:5, 49:3, 60:22, 68:2, 70:24
Germany 47:21
gets 10:10, 25:15
getting 8:18, 26:1, 28:17, 29:22, 34:1, 42:24, 54:12
gha 14:10
Giglio 65:9, 65:22
give 4:18, 7:8, 16:12, 16:15, 20:3, 22:16, 28:1, 31:23, 34:4, 34:5, 47:13, 55:9, 59:7, 65:18, 74:1, 74:8, 75:6
given 6:12, 16:9, 38:12, 69:15
giving 8:14, 38:4, 47:22
goal 22:7
goals 55:14
gotten 19:7, 45:10
Governments 47:21
granted 5:1
great 32:24, 54:8
greatly 33:12
GREG 3:4
grizzly 38:16
grossly 45:21
ground 74:25
grounds 12:22, 36:17, 46:7, 48:25, 49:14, 50:6
group 23:4, 23:6, 23:12, 23:15, 24:18, 27:13, 27:16, 31:16, 53:18, 55:3
grouped 46:1
groups 21:6, 21:12, 21:24, 22:7, 23:18, 24:6, 24:13, 24:14, 24:15, 31:15, 45:14, 51:1, 53:12
GSA 31:7
GU 14:13
guaranteed 58:1
guess 6:23, 7:8, 8:17, 12:4, 18:5, 23:15, 24:1, 24:10, 36:9, 60:18, 70:12, 72:8, 75:22, 76:18
Guidelines 49:12

guitar 46:25, 47:2, 47:3, 47:4
guitars 47:2
Gujrati 14:11

< H >
half 23:11, 24:22, 26:21, 72:7, 74:12
hall 31:16
HAMAS 37:10, 37:13, 37:15, 37:19, 39:18, 39:19, 39:24, 39:25, 40:8, 40:9, 42:2, 42:8, 42:9, 43:14, 48:2, 48:24, 50:6, 52:14, 52:15, 53:9, 53:10, 53:11, 57:5, 57:6, 57:8, 58:19, 58:21, 58:24
Hamas-related 52:22
handle 35:2, 52:5
handled 13:4
handling 30:2
happened 39:1
happens 26:10
happy 71:6
hard 30:18
hardship 32:16
harness 56:23
hat 75:24
hazy 20:11
head 14:10
heals 44:17
health-related 78:4
hear 16:6, 35:6, 47:12, 51:19, 61:6, 70:4, 72:16
heard 10:25, 17:2, 17:8, 43:20, 45:3, 48:3, 53:24, 58:5, 59:21, 59:23, 61:3
hearing 12:8, 18:1, 34:18, 34:22, 35:1, 46:10, 48:4, 61:24, 64:7, 70:18
hearsay 50:19
held 46:12
Helms 71:17
help 8:12, 8:18, 62:13, 77:14
helpful 75:4
hermetically 32:8
Herndon 56:2
herring 41:21
Hezbollah 52:24
high 36:20, 46:2
higher 70:19, 76:22

histories 50:13	implicate 58:22	Instructions 16:13, 19:5, 20:4, 20:5, 21:17
Hit 36:20, 46:2, 74:25	implicated 38:7	insure 6:3
hold 21:2, 23:8	implications 54:17	integrity 6:16
holds 23:22, 71:16	imply 43:5	intend 4:18, 5:17, 9:16, 9:17, 31:4, 36:2, 39:17, 39:24, 48:19, 50:10, 50:12, 50:16
holiday 34:11	important 27:23, 43:5, 53:20, 76:7, 77:19	intends 12:9, 37:5, 59:16, 60:21
HOLLANDER 1:41, 1:44, 5:10, 36:10, 36:14, 54:4, 58:16, 61:15, 62:10, 63:8, 67:22, 69:3, 74:2	imposed 20:18	intensive 30:18
Holy 1:11, 4:3, 37:1, 37:3, 37:5, 37:8, 37:12, 37:14, 37:17, 37:20, 38:8, 46:6, 46:17, 46:19, 46:20, 47:16, 47:17, 47:23, 48:9, 48:11, 48:12, 48:15, 49:16, 50:17, 50:18, 51:14, 52:10, 52:17, 55:7, 58:21, 59:3, 59:13	impression 12:7, 20:20, 46:9	intensively 31:22
homicide 40:20, 40:21	improper 35:24, 43:11	intent 37:2, 51:8, 51:11, 56:7
HONORABLE 1:18	in-limine 45:3, 45:6	intention 20:3, 35:22, 64:11, 71:10, 71:11
hope 13:17, 14:22, 65:10, 71:1	in 41:2, 41:14, 42:22, 55:17, 64:4	intercepted 39:20
hopeful 23:20	inaccuracies 13:15, 13:18	interested 9:8, 56:6
hopefully 21:13, 26:17, 64:3	inclined 30:13, 61:5	internet 51:22
hoping 20:15, 63:24, 63:25	include 15:5, 47:24, 48:11, 53:18, 61:23	Interpol 48:3
horrific 45:21	included 45:15, 48:13, 52:11	interpretation 68:19
horse 73:7, 77:8	includes 55:14	interpreted 54:20
hour 25:24, 26:17, 74:12, 76:19	including 48:2	interpreters 67:2
hours 26:21, 27:8, 56:10	incredibly 32:20	interrupt 6:2
Hudson 9:6, 10:18, 76:16, 78:6	indicate 22:4, 22:21	intimated 30:12
huge 52:25	indicated 37:2, 48:19, 64:14	introduce 48:20, 48:21, 50:12, 50:16
Humanitarian 58:17, 58:25, 59:4	indictment 18:1, 18:3, 18:8, 47:24, 55:9, 70:20, 70:23	introduced 6:5, 16:9, 48:22
hundred 14:20, 16:16, 20:25, 22:23, 23:22, 23:25, 25:3, 25:5, 27:2, 27:6, 53:17, 73:23	individual 22:17, 22:20, 23:14, 25:21, 28:7, 29:12, 31:13, 31:23, 32:25, 33:7, 33:11, 77:3, 77:12, 77:17	introduction 48:5
hundred. 28:19, 28:20	individually 21:7, 77:7	investigation 13:16
hyperlinks 48:11	individuals 47:21	invoke 66:24
< I >	inflame 45:20	involve 36:25
idea 7:20, 23:11, 53:13, 75:13, 75:18	inflaming 38:19	involved 7:2, 12:15, 75:10
identity 43:5	Infocom 7:17, 45:17, 49:14	involving 6:10, 18:7
ideological 55:4	inform 77:21	iron 16:3, 44:19
images 52:21	informally 19:7	irrelevant 37:25, 39:1, 43:9, 48:25, 49:15, 59:10, 64:22
imagine 25:21	information 74:18, 77:14	Islam 14:10
immediately 77:16	informed 62:18	Islamic 55:21
	infrequently 12:19	Israel 38:1, 47:15, 47:21, 49:5, 50:10, 53:2, 53:5, 60:22, 63:21
	initial 50:15, 65:10, 67:16, 75:22	Israeli 19:21, 63:12
	inject 38:18	Israeli-palestine 43:6
	inquires 9:11	issue 8:10, 15:2, 15:9, 16:6, 27:14, 27:16, 27:24, 33:17, 36:4, 38:18, 41:9, 41:12, 41:18, 42:20, 43:8, 50:2, 52:4, 52:5, 53:1, 56:19, 58:7, 58:23, 60:10, 64:9, 64:16, 65:7, 66:8, 66:13, 67:22, 69:21

issues 5:15, 15:11, 25:3, 61:16, 63:3, 63:4, 67:3, 74:9, 74:19, 77:18, 78:4
item-by-item 57:13, 57:21
items 36:13, 54:9, 58:10, 58:11, 58:18, 59:25
itself 48:20, 59:14

< J >

J. 2:4
Jacks 1:25, 4:13, 8:17, 14:18, 23:2, 26:3, 29:6, 30:2, 30:9, 32:1, 33:9, 35:15, 49:8, 65:25, 66:11
James 34:18, 34:22
Jason 5:25
Jencks 65:9, 65:20
JIM 1:25
job 14:24
jobs 14:25
JOE 1:18
JOHN 2:29
Joint 34:17, 36:6, 62:3
JONAS 1:26, 7:17, 9:20, 15:3, 15:13, 28:21, 29:3, 34:9, 39:4, 39:8, 40:13, 41:23, 42:15, 43:22, 47:11, 52:1, 52:2, 57:2, 60:3, 60:7, 60:8, 60:9, 60:13, 64:19, 65:4
Jones 2:30
JOSHUA 2:3, 2:5
Judge 6:11, 7:18, 35:17, 44:20, 64:7, 71:23, 76:16
judges 12:17
judgment 73:8
Judicial 79:11
July 33:18
jump 77:11
juror 21:13, 22:13, 25:17, 27:3, 28:23
jurors 16:22, 19:5, 19:6, 20:7, 21:15, 22:3, 22:4, 22:10, 23:8, 24:15, 24:24, 25:1, 25:9, 27:24, 28:17, 31:4, 31:8, 31:15, 75:2, 75:4, 75:17, 75:18, 75:23, 76:3, 76:6, 76:16
juryroom 19:3, 72:4
Justice 1:30, 50:24, 50:25,

51:2, 51:15
justification 40:12, 40:17, 40:19, 40:21, 40:24, 62:23
justifies 33:7

< K >

Kastigar 12:8, 17:25, 46:9, 48:4, 70:17
keep 72:19
keeping 34:6
key 49:6, 53:18, 57:7
Khan 14:10
killed 40:21
kind 15:22, 22:4, 22:17, 24:9, 67:6, 77:7
kinds 52:16, 52:20, 53:16, 77:10
knocking 21:13
knowing 58:14
knowledge 39:13, 40:14, 41:4, 41:7, 41:15, 51:11
knows 41:4, 41:5, 41:15, 42:5, 49:7, 62:25, 76:6

< L >

L. 2:5, 3:13, 79:3, 79:17
Laden 45:16, 52:8, 52:11, 52:23
Land 1:11, 4:3, 37:1, 37:3, 37:5, 37:8, 37:12, 37:14, 37:17, 37:20, 38:8, 46:6, 46:17, 46:19, 46:20, 47:16, 47:17, 47:23, 48:9, 48:11, 48:12, 48:15, 49:16, 50:17, 50:18, 51:14, 52:10, 52:17, 55:7, 58:21, 59:3, 59:13
language 13:23, 13:24, 14:11, 15:15, 44:1, 44:4, 44:6, 44:8, 76:8
languages 14:4
lap 10:11, 11:8, 11:9, 11:11, 11:15, 11:16, 11:19, 12:5
large 9:15, 14:24, 14:25, 25:25, 36:13, 71:15
largely 20:14
larger 27:16
last 28:6, 41:1, 63:10, 67:9
later 5:21, 63:5

latter 30:25

LAW 2:5, 2:15, 2:24, 12:11, 12:21, 13:9, 13:22, 15:22, 31:23, 34:25, 35:3, 35:22, 35:24, 50:7, 56:1, 58:25, 59:4, 72:18

lawyer 71:3, 71:5

lawyers 16:1, 27:21, 29:6, 54:6, 71:18

lay 15:21, 54:8

lead 71:3, 71:5

Leader 52:14, 52:15

leaders 48:24, 52:11, 52:24

Leah 60:20

learning 11:5

least 30:11, 46:11, 64:15, 64:17, 70:9, 72:19, 73:20

leave 60:8

leaves 10:20

legal 30:6

Leigh 31:2, 31:8, 75:6

length 20:2, 33:2, 71:16

less 20:25

letter 5:23, 8:7

letterhead 5:24

letters 66:11

letting 70:25

level 29:1

levels 60:19

Levitt 66:4

liable 47:4

liaison 7:19, 9:7

library 55:21, 56:5

life 43:15

Limine 34:16, 34:18, 35:10, 35:12, 36:7, 43:2, 43:8, 44:25, 47:6, 54:1, 60:2, 60:13, 60:16, 60:18, 60:23, 60:25, 61:10, 61:16, 61:23, 64:5, 64:17

limit 38:17, 41:3, 55:24

limited 44:16

limits 20:18, 24:23, 30:24

LINDA 2:23, 2:24

Lindsay 6:11, 7:18

link 48:13, 50:24, 51:10, 51:15

linked 48:2

links 51:3, 51:24

list 4:24, 8:2, 26:8, 45:15,

50:1, 50:2, 50:16, 61:15, 62:8, 62:9, 62:11, 62:20, 66:10, 70:19, 74:1, 74:23, 75:4
listed 70:23
listen 14:12
lists 4:19, 5:7
litany 38:15
literally 63:23
litigation 15:22
little 20:11, 23:22, 44:23, 64:2, 65:7, 68:9, 73:6, 76:22, 77:8
live 20:17
loaded 11:18
local 65:13
locate 27:15
locating 4:11
location 31:5
logical 22:14
logistical 21:19, 31:3, 78:5
logistically 21:10
logistics 34:1
long 13:2, 14:14, 18:25, 19:16, 19:24, 23:11, 33:20, 65:11, 71:1
look 24:2, 33:5, 59:18, 65:18
looked 68:8
looking 11:11
looks 19:16, 73:1
lot 15:4, 17:1, 28:6, 37:23, 73:7
Lowry 56:2
lunch 74:11, 74:12
Lyon 31:2

< M >
M-c-k 44:3
ma 16:14
magic 28:13
mail 71:17
main 36:24, 50:20
maintain 6:15, 22:11, 22:12
major 44:15
Mallick 3:6
man 5:25
Manchester 49:22
manner 54:21
manufacturer 47:2

maps 9:16, 9:25
March 34:21
margins 68:14
Marlo 2:14, 2:15, 67:10
material 14:22, 59:6, 63:15, 64:21, 64:24, 65:9, 65:16
materials 4:18
math 25:8, 27:7
matter 13:4, 25:15, 35:3, 41:19, 44:12, 44:16, 45:3, 68:23, 69:24
matters 4:5, 4:6, 74:14, 78:11
maximum 23:8, 24:20, 25:11, 26:16, 28:9, 28:10
Mcgonigle 8:1, 8:9, 8:22, 64:6, 64:10
McKeef 42:14, 42:15
Mckinney 2:16
mean 17:18, 26:22, 50:25, 55:22, 68:4, 71:11
means 37:9
meant 44:18
mechanics 28:7
media 6:20, 6:21, 9:7
Meeting 34:19
member 26:16
members 37:18, 40:2, 47:25, 76:23
memo 68:24
Memorandum 36:8, 62:3
memory 14:14, 16:8, 20:11, 21:8, 68:9
mention 33:13
mentioned 24:13, 31:1, 36:14, 48:17
met 22:8
metaphor 47:8
method 25:17, 25:23
Mezain 78:4
mid-eighties 71:15
Middle 37:12, 72:14
midway 71:20
military 40:2, 53:3
millions 50:23
mind 6:24, 20:13, 26:15, 29:15, 51:6, 51:11, 56:15, 59:14, 59:18, 62:8, 63:17, 72:19
minimum 70:7, 71:5

minister 63:20, 63:21, 63:22
minute 37:7
minutes 21:13, 22:8, 24:20, 24:22, 25:1, 25:23, 26:16, 26:20, 27:3, 27:9, 28:8, 28:9, 28:11, 28:24
Miranda 69:17, 70:8
misidentified 5:13
missed 61:11
missing 5:11, 5:12
mix 28:18, 75:17
moment 9:13
Monday 23:12, 75:1
money 14:9, 37:13, 37:18, 38:4, 38:12, 47:22, 59:7, 59:18
months 4:8, 19:19, 66:18
moral 55:4, 58:8
MORENO 2:23, 2:24, 20:14, 26:2, 28:17, 31:21, 32:5, 76:10, 76:14
Morning 5:24, 7:18, 8:1, 8:23, 9:5, 63:23, 64:6, 75:1
mosques 46:12, 46:23
mostly 50:18
Motion 34:18, 34:22, 35:12, 36:3, 36:7, 43:2, 43:3, 43:8, 44:24, 47:6, 54:8, 57:12, 59:22, 59:24, 60:11, 60:15, 60:25, 61:6, 61:10, 61:16, 61:23, 62:3, 62:5, 63:2, 63:9, 63:11, 63:18, 64:4, 64:5, 64:8, 64:17, 64:19, 64:20, 64:23
motions 34:16, 35:10, 45:7, 60:2, 60:13, 61:10, 61:22, 62:8, 62:13
move 25:7, 40:10
Mufid 2:11
murders 40:22
Muslim 14:8
myself 8:7, 31:20, 75:13
MYSLIWIEC 2:4

< N >
name 19:2, 44:2
named 5:25, 47:23
names 75:24
NANCY 1:41

narrow 26:7
Nasrallah 52:12
NATHAN 1:28
nationals 14:8
native 14:11, 15:15
nature 52:20, 55:6, 56:19, 59:12, 59:13, 72:15
nay 73:5
necessarily 35:18, 66:18, 67:14
necessary 22:25, 23:14, 33:1, 41:20, 72:6
need 8:12, 8:19, 9:3, 9:11, 18:16, 20:9, 21:24, 22:9, 23:9, 23:10, 25:9, 26:17, 27:4, 29:3, 60:13, 61:2, 62:14, 67:18, 67:19, 68:6, 72:16, 73:13, 73:19, 73:20, 73:24, 74:6, 74:13, 74:17, 75:10, 76:23
needed 22:21, 23:18, 27:18
needs 22:5, 60:8
neither 7:23
network 58:20, 58:21
New 2:7, 30:7, 42:12, 63:4, 63:22
News 5:24, 7:18, 8:1, 8:23, 9:5, 64:6
newsletters 39:22
newspaper 6:15
newspapers 50:15, 53:19
next 23:16, 24:2, 47:14, 64:3
night 65:14
ninety 14:15
Ninth 59:4
NM 1:46
Nobody 51:14, 76:5
nodding 18:12
nondemonstratives 73:20
None 15:14, 53:24
none. 44:23
nonexistent 71:5
nonissue 69:11
noon 74:11
nor 58:14
normally 26:20
NORTHERN 1:2, 1:31, 79:19
notes 20:3, 20:5, 20:6
notetakers 20:7
Nothing 46:20, 55:24, 57:10,

57:25
notice 36:10, 39:20, 62:12
notified 77:9
nullification 35:14, 43:11
NUMBER 1:5, 4:4, 4:5, 21:14, 22:3, 23:3, 25:8, 25:11, 28:13, 30:3, 34:1, 36:13, 43:3, 50:23, 61:16, 61:25, 62:2, 66:15, 74:6, 79:21
numerous 12:13
NY 2:7

< O >
o'clock 74:16
O'Neal 23:23
object 48:4
objected 60:17, 60:19, 60:23
objecting 37:21
objection 9:24, 35:20, 45:1, 48:7, 48:23, 52:6
objections 49:3, 59:25
obsolete 9:14
Obtained 62:4
obviously 10:14, 66:16
occasion 44:14
occurring 48:14
occurs 12:19
Odeh 3:1
offense 38:20, 39:2
offer 48:7
offered 45:2, 45:4, 59:25
Office 2:5, 2:15, 2:24, 8:8, 8:19, 11:23, 49:9, 53:8, 53:9, 73:18
official 79:5
often 26:10
Okay 7:7, 9:6, 13:17, 16:23, 28:1, 45:11, 63:25, 72:11, 76:12, 77:23, 78:10
once 21:14, 28:12, 28:13, 31:4, 59:4, 75:16, 75:22
one. 26:20
ones 53:7, 61:14, 61:21, 73:23
Onori 13:3
open 18:13, 73:1
opened 43:13
opening 72:1

openings 33:20
operate 10:21
operated 28:14
operating 11:21
Operation 37:22, 53:3, 53:4
operational 38:10
operatives 53:5
opportunity 20:23, 26:4, 74:9
oppose 8:20
opposed 21:23, 22:6, 25:24, 27:25
opposing 17:8, 64:13
opposition 51:2
option 21:11
Order 4:9, 4:16, 34:4, 61:1, 65:7, 70:3, 70:17, 70:20, 70:22, 70:24, 70:25, 71:7, 74:25, 75:24
organization 37:10, 38:6, 39:13, 39:14, 39:15, 40:16, 41:10, 42:8, 42:21, 43:10, 43:14, 46:13, 47:5, 51:9, 51:12, 56:11, 56:12, 58:9, 58:18, 59:8
organizations 37:18, 38:5, 46:6, 46:15, 47:23, 48:1, 48:6, 48:9, 59:13, 59:19
orient 77:20
oriented 77:5, 77:9
original 4:22, 64:1, 74:1
originals 73:20, 74:6
orphans 38:12
Osama 45:16, 52:8, 52:11, 52:23
Others 4:4, 60:6, 60:14, 75:13
Otherwise 6:7, 73:15
ourselves 17:20, 17:22
outbreak 25:6
outside 21:1, 26:22, 54:25
outstanding 61:10, 61:14, 66:9
outweighed 45:21
outweighing 44:11
overall 24:3
overblown 32:20
overrules 48:7
oversaw 6:14
overseas 14:9

own 8:17, 11:8, 11:15, 12:24, 16:2, 20:5, 26:15, 30:6, 71:12
own. 6:17

< P >

P 2:15

Pace 43:24, 43:25, 44:9, 55:23

Page 16:20, 44:4, 44:5

pages 79:7

Palestine 37:23, 54:25

Palestinians 50:9

panel 20:24, 20:25, 21:16, 21:17, 22:3, 23:3, 25:14, 25:15, 25:17, 26:16, 32:9, 77:1

panels 25:25, 74:25, 75:2, 77:3

paper 6:22, 7:10, 7:14, 16:21, 32:21, 73:24

papers 43:1, 64:13

paragraph 39:12

paragraphs 19:22

paralegal 11:10, 11:24, 16:18

paralegals 11:21

part 19:23, 30:25, 31:9, 40:13, 41:8, 46:9, 46:12, 54:11, 57:3, 57:5, 58:19, 58:20, 69:10

particular 33:21, 34:15, 45:4, 45:14, 48:4, 49:9, 54:11, 56:6, 56:11, 58:8, 61:21, 68:2, 68:15, 75:25

Particularly 33:25, 55:6

parties 4:18, 6:19, 13:6, 13:10, 16:22, 22:16, 22:19, 72:4, 76:4, 77:18

parts 15:20, 38:16, 38:19, 38:21

pass 62:18

past 8:23, 20:11, 21:9, 28:19, 28:20, 68:9

Pattern 12:12, 20:4

pay 76:7

payment 38:23

pays 76:15

pending 62:9, 65:2

people 20:25, 21:3, 22:22, 22:23, 23:3, 25:4, 26:17, 26:23, 27:2, 28:16, 34:1, 34:14, 46:19, 51:14, 55:3, 56:3

Per 21:13, 24:21, 24:22, 26:16, 26:17, 27:3, 28:8, 28:11

percent 14:16

perhaps 66:20

permission 5:1, 69:14, 75:7, 78:3

permit 44:19, 56:14, 69:22, 78:7

permits 44:11

permitted 43:12, 70:8

person 28:8, 28:11, 28:25, 34:15, 38:23, 39:12

personally 47:9, 68:18

personnel 8:12

perspective 64:12

pertaining 64:20

pervasive 32:19

phone 41:16, 42:4, 63:24

photograph 19:17

photographs 9:15, 19:1, 19:18

picture 19:13

pictures 19:11, 45:16

piece 36:19, 73:24

pile 73:12

place 20:16, 30:24, 31:10, 34:2, 54:14

placed 10:10, 56:25

plain 55:11

plan 21:21, 23:9, 31:13, 32:4, 33:4, 50:13

plans 34:4

PLATT 3:5

playing 12:4

Plaza 1:45

pleadings 4:10, 33:6

plus 23:22

PO 2:25

point 5:14, 13:21, 18:17, 21:16, 29:2, 35:19, 36:3, 43:7, 55:9, 56:13, 57:23, 59:24, 71:25

pointed 57:3

points 13:16, 60:16

Policies 49:12

political 52:20, 55:13, 55:14, 55:19

pool 7:22, 15:6

portable 6:13

portion 6:2, 22:16

portrayed 19:14, 32:24

position 17:9, 17:23, 32:11, 33:8, 34:23, 35:19, 35:21, 37:17, 37:24, 37:25, 53:23, 61:7, 77:23

positive 22:4, 22:20

possession 52:21

possibility 71:24, 72:19

possible 13:6, 13:17, 16:4, 17:24, 61:12, 74:17

poster 9:20, 56:9

posters 49:6, 52:7, 52:8, 52:9, 52:16, 52:21, 52:22, 53:18, 57:7

potential 23:8, 24:15, 33:12, 64:20, 67:20

practicable 6:21

practical 7:1

practice 35:5

precluded 39:3

prediction 29:16

prejudice 36:3, 41:19, 44:11, 45:1, 45:19, 45:22, 59:24

prejudicial 38:2, 38:7, 38:19, 41:13, 44:10, 44:18, 51:18

preliminary 25:20

preparation 29:20, 36:9

prepare 18:18, 68:24

prepared 36:1, 63:19

preparing 35:8

prerogative 29:8

prescribed 79:11

present 40:4, 43:12

presentation 70:22

preserve 44:20

presided 71:16

press 6:18, 7:19

presumably 75:11

PRETRIAL 1:16, 4:2, 4:17, 13:4, 32:7, 32:19, 35:1, 74:13, 74:15

pretty 25:7

prevent 51:14

previous 16:24, 31:25

previously 43:3

primary 12:16, 13:23
principally 34:24
prior 6:10
probably 15:10, 16:16, 18:15, 23:7, 23:9, 24:12, 26:22, 67:11, 75:12, 76:1
probative 44:11, 44:17, 50:19
problem 21:22, 25:22, 29:17, 33:22, 41:22, 54:16, 58:2, 67:17, 68:20, 75:8
problematic 77:12
procedure 19:9, 22:22, 71:20
procedures 20:10, 33:10
proceeding 44:20
proceedings 50:9, 79:4, 79:6
process 23:5, 27:19, 29:23, 30:15, 30:19, 75:9, 76:12, 77:21
produce 12:24
produced 13:8
product 15:18
productive 73:2
progress 17:2
prohibit 35:13
prohibited 68:6
project 58:17
prolonging 33:2
promised 74:7
prone 41:1
proof 21:18, 25:19, 48:8, 77:10
proposal 24:9, 24:10, 31:14, 31:17, 67:4
propose 22:19, 66:23
proposed 17:6, 30:12, 33:4, 33:10, 60:18, 77:25
prosecuted 56:13, 56:21
prosecution 12:20, 42:23, 49:1, 57:2, 71:15, 71:18
prosecutor 14:8
protect 43:4, 64:10
protected 56:16
protocol 31:22
prove 50:12, 51:8
provenance 53:14
provide 59:1, 63:20, 70:14
provided 37:20, 40:3, 53:7, 59:17
providing 59:6, 64:22
provision 54:19
publicity 32:20
punish 55:3, 56:3
purpose 57:11
put 4:9, 33:19, 42:22, 51:3, 53:14, 55:17, 56:1, 64:17, 68:13, 75:24
puts 22:25, 42:6
putting 51:14, 57:12, 77:7

< Q >

Qaeda 45:14, 45:18, 49:18, 49:21, 49:23, 52:7, 55:7, 55:10, 55:15, 57:9, 57:10
quantities 53:4, 53:5
quash 64:8
question 5:22, 9:14, 10:13, 11:6, 14:18, 21:7, 27:7, 27:21, 28:2, 28:21, 46:8, 58:6, 60:12, 68:15, 69:23, 72:8, 72:18, 76:18
questioned 28:24, 31:15
questioning 24:24, 77:7
questionnaire 5:2, 21:5, 23:7, 32:14
questionnaires 5:2, 23:5, 26:5, 26:10, 75:11
Questions 4:19, 20:23, 22:8, 22:19, 27:13, 27:22, 32:16, 71:5
quickly 8:15
quite 17:23, 55:11
quotation 43:25
quote 6:2, 44:7
quoted 43:23, 44:4

< R >

raid 49:13
raise 13:5, 33:16, 67:19, 74:9
raised 49:3, 49:24, 60:4, 63:10, 67:10
raises 5:22, 52:25, 65:6
raising 57:22, 57:24
rallies 46:5
random 75:24

range 58:11
rank 50:19
rate 27:2, 76:19
Rather 12:23, 15:21, 22:13, 52:18
reach 23:18, 69:7, 69:9
reaction 67:16
read 6:8, 8:15, 29:8, 29:13, 29:14, 36:9, 39:10, 49:2, 54:22, 54:23
ready 19:12, 43:21, 61:4, 61:6
real 61:1, 75:3
realize 8:22, 29:7, 60:10, 73:3
realized 35:8
really 13:25, 15:17, 17:8, 22:25, 25:7, 25:25, 26:18, 27:24, 29:23, 32:25, 38:17, 38:24, 39:1, 41:3, 41:20, 51:13, 56:4, 67:12, 68:10, 69:1, 69:23, 72:17, 74:25, 77:13
rearraigned 18:2
rearraignment 18:9
reason 10:7, 30:25, 42:18, 45:18, 76:5
reasonable 20:18
reasons 42:17, 43:13, 71:11
recall 14:3, 18:11, 19:5, 32:2, 32:3, 32:4
received 14:19, 21:6, 39:21, 63:16
receiving 65:9
recent 68:9
recently 8:24, 17:17, 18:24, 66:11
receptive 70:25
recess 74:11, 78:10
recognize 8:23, 30:1, 43:25
recollection 18:21, 52:8
reconsider 63:11, 63:15
record 9:20, 19:23, 62:19, 64:18, 71:16
recording 12:17
records 16:25, 17:7, 66:4
red 41:21
reduce 4:12
reference 49:16
referring 46:13

reflect 9:21
refresh 21:7
regard 51:25
Regarding 4:9, 49:4, 61:16, 70:21, 77:17
regret 71:18
regular 75:17, 76:2
reiterate 29:25
related 38:9, 38:16, 45:17, 47:19, 48:24, 49:17, 52:7
relates 38:18
relating 48:1, 50:8
relation 41:12
relationship 48:8, 57:6
relationships 42:9
relax 44:19
relevance 36:16, 44:19, 44:21, 46:7, 51:20, 51:24, 52:4, 55:7, 60:23
Relevant 40:24, 41:18, 44:10, 44:12, 53:25, 64:12, 64:25
reliance 50:14
Religious 34:11, 61:17
reluctant 73:6
rely 12:9, 20:6
relying 13:25, 30:23, 70:13
remarks 20:21, 20:23, 25:20, 74:20
remedy 12:23
remember 4:14, 18:6, 18:10, 19:19, 20:22, 25:10, 29:19, 29:20, 29:21, 29:23, 44:2
remind 45:20, 58:16
reminded 17:25
remote 31:5
render 59:10
renew 61:5
renewed 36:4, 48:23
repeat 16:13
repeats 16:14
report 6:6, 16:18
reported 14:6
REPORTER 3:13, 5:25, 6:14, 8:1, 8:23, 18:11, 64:6, 79:5, 79:18
reports 51:4
represent 40:18
representation 43:16
representations 30:23

representatives 6:15
represented 42:25
request 9:3, 15:19, 17:16, 34:17, 65:8, 69:22, 70:7, 70:12, 76:10
requested 7:14
requests 65:12, 66:9
require 38:15
required 35:1
Requirements 34:20
requires 30:2, 41:24
reserved 48:21
resolve 15:23
resolved 17:10
resources 35:6, 37:20, 59:1, 59:7
respect 10:5, 37:3, 37:22, 50:3, 64:5, 64:9, 78:4
respectfully 32:12, 41:23
respective 71:9
respond 17:12, 39:4, 39:6, 47:11, 58:15
responded 34:21, 62:12, 66:12
response 22:5, 36:1, 37:24, 39:7, 43:22, 44:5, 47:13, 48:19
responses 22:21
rest 4:14, 7:19, 39:3
Restoration 61:17
result 30:15, 38:23
results 18:24
resume 78:11
reverse 40:12
review 20:19, 24:9, 45:15, 50:11, 50:15, 64:24, 65:1
reviewed 20:12, 29:18, 39:7
reviews 19:8
reward 38:25
rewarded 38:13
rid 21:18
rights 58:1
ring 32:23
Rm 3:14
room 60:8, 70:5
round 23:3
routine 37:11
row 25:25
Rule 8:10, 9:24, 10:8, 29:2, 29:3, 34:20, 43:21, 44:6,

44:14, 44:18, 44:19, 45:5, 65:13, 65:14, 66:15, 66:24, 67:6, 68:7, 68:9, 68:10, 68:18, 69:18, 69:20
ruled 61:11, 72:6
Rules 10:6, 10:14, 25:12, 44:6
ruling 35:25, 63:11, 69:8, 72:18
rulings 62:22
rummage 6:17, 8:17
running 27:25, 74:25

< S >

sake 44:17
San 2:33
sanitized 44:14
save 30:19
saw 17:13, 53:15
saying 8:11, 23:2, 27:25, 33:3, 38:25, 41:4, 41:8, 42:2, 51:7, 54:22, 55:12, 56:13, 57:11, 57:20
says 5:25, 6:1, 8:7, 8:13, 8:16, 22:14, 29:6, 30:10, 32:21, 35:21, 41:16, 54:13, 54:19, 54:20, 56:16, 56:20, 56:22, 57:24, 59:1, 59:2, 62:19, 70:21
scan 6:22, 7:11, 8:8
scanned 6:14, 63:24, 63:25
scanner 6:13
scanning 43:21
scant 44:16
scenarios 44:13
schedule 22:11, 33:13, 34:6, 34:14, 34:15
scope 33:25
screen 11:12
screens 11:12
seal 62:5
Sealed 32:8, 62:3
search 37:22
seats 11:10
second 21:24, 23:4, 23:15, 40:13, 40:14, 45:12, 70:10
secondary 12:16
secondly 49:15
Section 39:9, 57:25

seem 36:2
seemed 8:18
seems 21:10, 21:25, 69:10
seen 5:8, 8:24, 9:22
seized 37:23, 38:1, 48:16, 49:4, 49:13, 49:22, 52:9, 53:2, 53:4, 53:5, 54:24
select 7:7
selected 31:4, 33:20, 71:25, 75:16
selection 10:20
sell 47:2
seminars 46:5
send 19:3, 19:12
sending 14:9
sense 32:12, 32:14, 56:20, 58:8, 75:22
sent 17:6, 18:8, 32:15, 63:24
series 39:9
serious 15:8
serve 43:10
serving 76:6
session 10:5, 20:20, 21:4, 23:13, 72:2, 72:11
sessions 20:13, 21:4, 22:2
set 5:17, 32:25
Seven 24:22
several 19:19, 36:15, 36:16, 45:9
shall 54:20, 56:20, 57:25
SHAPIRO 1:27, 8:3, 8:25, 19:24, 33:16, 52:4, 52:6, 52:15, 54:15, 58:15, 60:17, 63:8, 63:18
share 66:22
sharing 9:4, 68:7
Shield 37:22, 53:3
shoes 43:18
short 59:6, 63:7, 64:5
shorten 17:10
shortly 65:5
shouldn't 42:22, 51:19, 53:12, 55:17
show 47:1, 47:3, 47:5, 51:6, 52:16, 52:18, 57:4, 57:8, 58:19, 59:12, 59:16, 62:8
shown 79:6
shows 50:16, 55:18
shred 19:22
Shukri 1:38

side 5:8, 7:23, 12:24, 15:25, 24:21, 24:22, 29:1, 30:13, 39:6, 66:23, 71:3, 71:8, 74:9, 78:8
sides 5:7, 11:15, 11:21, 13:20, 24:21, 26:11, 69:4
sign 31:6
signature 5:24, 64:1
signed 18:9
similar 42:17
simply 35:3, 56:9
sir 4:21, 5:16, 5:19, 11:7, 12:3
sit 68:3, 69:15
site 48:12, 48:14, 50:22, 51:1, 51:9, 51:12
sites 48:10, 50:23
sitting 11:10, 22:12, 25:4, 77:6
six 25:12, 26:21
sixteen. 25:9
sixty 23:8, 23:13
size 9:20, 24:14, 33:25
slightly 34:9
small 21:12, 22:6, 24:13, 31:16
smaller 21:6, 21:24, 46:1
smoothly 16:3
social 58:20, 58:21, 58:24
socialization 39:25
sole 12:17
solely 56:21
somebody 25:19, 26:25, 54:23
somewhat 71:8
soon 17:24
sorry 30:21, 35:8, 45:10, 49:1, 52:15, 71:14
sort 41:6, 71:3, 76:11
sorted 66:13
sorts 51:4
sounds 21:21
source 64:9, 64:11, 64:14, 64:16
sparing 44:15
sparingly 44:7
speakers 12:18

speaking 46:19
special 30:2
specific 38:22, 38:23, 39:2, 45:1, 67:3, 70:11
specifically 42:24, 52:22
speed 64:1
spend 26:18, 26:20, 76:23
spent 24:25, 25:1, 28:6
spoke 75:5
sponsored 46:5
spots 36:21, 46:2
St 2:31
stage 56:4
stages 62:17, 62:21
stand 19:17
standard 22:15, 65:14, 77:19
start 23:6, 24:10, 35:18, 65:12, 66:1, 77:11, 77:17
started 11:5, 18:24, 77:18
starts 35:19, 44:3
state 28:4, 51:6, 51:11, 56:15, 59:14, 59:17
Statements 34:19, 36:18, 50:3, 50:4, 72:1
STATES 1:1, 1:5, 1:29, 1:30, 4:3, 13:2, 14:6, 34:24, 39:8, 43:23, 50:24, 50:25, 51:2, 55:1, 71:17, 79:12, 79:18
status 29:9, 31:25
statute 39:10, 54:19, 54:20, 55:2, 56:14, 56:20
stay 33:13, 73:10
stenotypy 79:5
step 10:7, 22:25, 24:7, 24:13, 26:3
Steve 64:6
Stewart 62:7, 62:16, 62:19
stick 61:15
Stickney 64:7
stipulate 16:25, 17:14, 26:7
stipulation 17:6, 26:11
stipulations 17:15, 66:2, 66:3, 72:9
stop 28:14, 37:7
stopping 72:14
stops 27:9, 28:5
stories 8:24, 32:21
strategy 71:12
Street 1:33, 2:6, 3:14, 56:10
stretched 24:5

strict 24:23
struck 25:17, 25:23, 28:25
structure 58:24
stuff 38:24
subject 9:12, 10:4
subpoena 64:8
Subsection 39:11
substantial 73:9, 74:6
substantive 66:6
substitute 64:1
sufficient 25:6
sufficiently 65:17
suggested 13:2, 28:17
suggestion 62:7
suicide 37:2, 38:13, 38:14, 38:16, 39:23, 41:5, 41:16, 42:2
Suite 1:45, 2:16, 3:7
summarize 35:11
Summit 3:7
summons 32:15
superseding 18:1, 18:3, 18:8
Support 36:8, 40:1, 40:3, 43:9, 43:10, 55:4, 55:5, 55:10, 58:8, 58:13, 58:18, 59:6, 59:7, 59:8, 59:17
supported 52:10, 52:17
supporting 31:23, 55:3, 55:8, 55:14
suppose 61:6, 61:11
Suppress 62:3
Supreme 35:4, 56:2
surprised 32:1
Surveillance 62:4
suspect 69:22
switch 70:25
sworn 76:2
sympathizer 56:9
sympathizing 55:3
sympathy 59:6
sync 51:1
system 10:4, 28:14

< T >
table 16:7, 69:15
talked 20:19, 21:11
talks 30:4, 40:13
Tampa 2:26

tape 12:16, 12:17, 13:22, 13:23, 14:12
tapes 12:1, 12:2, 15:4
tapped 74:20
target 31:10
task 15:9
technique 38:14
technologically 10:21
tee'd 73:4
ten 24:6, 25:3, 25:5, 25:18, 27:22, 31:15
tenure 36:22
TERESA 1:42
term 59:9
terms 18:14, 20:11, 24:3, 32:11, 55:4
terrorism 36:25, 43:19
terrorism. 39:16
terrorist 37:21, 37:24, 38:5, 38:22, 39:13, 39:15, 39:23, 40:3, 40:5, 40:7, 42:18, 42:21, 43:10, 43:14, 45:14, 52:11, 56:12, 58:18, 59:8
Tesemel 60:20
testified 19:6
testifies 65:15
testify 19:2, 19:12, 40:7, 61:5, 69:18, 69:19, 70:4
testifying 19:15, 70:6
testimony 13:25, 36:22, 41:24, 64:13, 66:22, 68:7, 70:4, 70:9, 72:17
TEXAS 1:2, 1:31, 1:34, 2:17, 3:8, 3:15, 79:19
thanks 5:5
theirs 66:25, 67:5
theories 38:12
theory 37:10, 37:13, 38:21, 47:3
therein 34:24
thinking 72:10
third 23:18, 69:17
Thirty 21:13, 24:2, 25:23, 76:24
though 75:19
thousands 15:7
three 4:8, 20:16, 21:3, 40:22, 65:12, 66:18, 71:19, 73:23
throughout 13:14, 76:8
throw 25:13

thrust 44:5
today 7:7, 29:20, 30:13, 35:9, 36:9, 63:2, 63:5
together 30:3, 46:1, 63:11
tomorrow 26:5
took 43:15, 54:14, 72:7, 79:5
top 10:11, 11:8, 11:9, 11:11, 11:15, 11:16, 11:19, 25:13, 44:5
Tops 12:5, 25:24
torture 60:22
total 59:19
Tower 3:6
traditional 27:15
Trahan 5:25, 9:3, 9:10, 9:11
training 10:5, 11:22, 11:25
transcribed 79:6
TRANSCRIPT 1:17, 12:15, 12:21, 12:23, 12:25, 13:6, 13:11, 13:19, 13:25, 16:8, 16:9, 29:9, 29:19, 79:8, 79:10
transcription 14:1
transcriptions 13:15
transcripts 12:9, 12:11, 14:19, 14:20, 15:4, 16:19, 20:12, 33:5
translation 15:5, 67:23
translations 15:16, 67:24
translator 14:1
translators 66:25, 67:1, 67:3, 67:5, 67:20, 68:13
transport 31:7
treating 32:13
trials 44:12, 48:17, 48:22
tried 4:13, 16:7
true 15:8, 41:6, 54:15, 79:8
try 6:18, 13:19, 15:22, 15:25, 17:10, 17:24, 34:3, 41:19, 52:19, 54:10, 54:18, 65:16, 74:5, 78:7
trying 14:18, 14:20, 15:8, 17:13, 17:22, 26:14, 66:12
turn 11:3, 65:16
turned 64:25
turns 27:22
twenty-five 26:23, 27:8
twenty-four 76:21
twice 35:7
two 4:8, 14:19, 16:15, 20:24, 21:3, 22:2, 23:25, 40:4,

48:17, 60:19, 69:14
two. 23:25
type 46:13, 47:5, 50:12, 54:18, 57:16
typically 16:11, 46:12

< U >

unavailability 34:12
unavailable 33:18
unclassified 64:23
understand 6:6, 11:20, 12:21, 13:22, 14:24, 22:2, 23:2, 23:4, 33:5, 33:8, 41:25, 42:3, 42:7, 53:20, 54:7, 57:10, 57:19, 57:20, 67:25, 77:23
understanding 12:10, 13:9, 26:4, 31:14, 37:16, 68:10, 68:25
understood 20:17, 31:12, 31:18, 37:9, 63:14
undue 35:6
unduly 20:6
unfair 44:10, 45:22
Unfortunately 10:20, 63:1, 63:9
UNITED 1:1, 1:5, 1:29, 1:30, 4:3, 13:2, 14:6, 34:24, 39:8, 43:23, 50:24, 50:25, 51:2, 55:1, 71:17, 79:12, 79:18
Unlawful 39:11
Unless 21:1, 38:21, 41:17, 44:12, 68:22, 70:23
unmonitored 51:23
unnecessary 24:7
unreal 44:13
unrelated 37:1, 37:5, 37:8, 37:15, 46:19
until 17:13, 78:10
unusual 28:20, 30:1
Using 6:13, 11:15, 25:23, 26:23, 32:14
usual 30:4

< V >

vacuum 59:19
vague 68:10
value 44:11, 50:19

van 31:7
variety 71:11
various 13:15, 49:5, 50:9, 53:19, 62:17, 62:21
varying 71:7
vast 53:4, 53:5
vein 69:13
verbal 16:12
versa 30:8
version 12:24, 13:1, 16:15
versions 13:7
VERSUS 1:8
vice 30:8
victim 40:20, 40:22, 40:25
victims 40:6, 42:17
video 12:1, 12:17, 15:4
view 68:23
violate 39:12, 50:7
violence 36:25, 37:4, 37:11
violent 40:16
virtually 12:14
visit 29:8
voir 4:19, 4:25, 20:10, 22:1, 22:15, 22:16, 22:17, 22:20, 23:9, 23:13, 23:14, 24:3, 25:21, 28:7, 28:8, 29:12, 31:13, 31:23, 33:1, 33:7, 33:11, 77:12, 77:17, 77:19
volume 16:20, 65:16, 69:15
voluminous 4:10, 5:21, 62:25

< W >

wait 31:16
waiting 72:3
waiver 18:8, 18:16, 18:18
walk 36:19
Wall 2:6, 74:10
wanted 4:5, 5:20, 12:10, 13:21, 18:23, 20:18, 21:6, 21:7, 33:16, 33:19, 34:16, 64:15, 64:17, 67:15, 71:24, 75:19
wants 7:11, 7:23, 10:7, 58:22, 64:10
waste 28:15
wasted 28:16
wasting 72:10, 72:21
watching 22:13, 27:8

water 43:18
wearing 19:14
web 48:10, 48:11, 48:13, 50:22, 50:23, 51:1, 51:9, 51:12
week 9:8, 30:22, 30:25, 31:1, 31:2, 41:1, 50:14, 65:17
weekend 26:6
weeks 71:19
weight 56:25
WESTFALL 3:4, 3:5, 16:5, 18:18, 21:9, 21:10, 24:8, 24:17, 24:22, 25:13, 26:18, 26:24, 28:22, 29:1, 30:20, 46:22, 47:9, 70:20, 73:10, 74:24, 75:3, 75:14, 76:21, 78:9
whatever 13:16, 77:17
Whether 6:21, 9:9, 10:1, 10:13, 12:21, 17:14, 17:15, 22:10, 23:17, 28:24, 41:9, 53:10, 58:7, 67:7, 67:18, 68:15, 69:23
whole 20:24, 25:1, 25:17, 32:6, 39:10, 60:10, 77:1
whom 47:16
widows 38:12
willing 9:10, 20:17, 24:23, 30:20, 65:25, 73:25
wind 52:3
window 38:24
wing 40:2
wings 42:9
wish 6:2
within 20:16, 20:17, 27:15, 50:13, 69:1, 69:21
without 36:3, 44:25, 45:3, 48:12, 57:17, 59:24, 73:7, 73:9
witness 4:19, 4:24, 8:2, 8:19, 9:1, 11:1, 11:2, 19:12, 19:16, 19:20, 33:17, 33:18, 33:22, 34:4, 34:7, 34:12, 39:18, 49:19, 50:1, 61:2, 61:4, 61:7, 63:12, 65:15, 65:16, 66:5, 66:6, 67:16, 68:2, 68:15, 68:16, 70:10, 71:4, 72:6, 72:16
witness-by-witness 67:12
witnesses 17:1, 19:2, 34:4,

40:6, 43:5, 64:21, 65:10,
66:1, 66:16, 67:21, 68:11,
68:17, 69:16, 70:3, 70:5,
71:2, 73:9
wonderful 56:11
wondering 11:14
word 34:14
words 58:16, 70:7
work 7:6, 15:17, 24:16,
71:21, 78:7
worked 4:14, 30:3, 47:16,
72:9
working 5:14, 32:22, 62:15,
62:16, 62:20, 71:22
works 76:15
world 56:12
worse 42:25
Worth 3:8
wrinkle 7:25
writing 4:12, 6:9, 19:2, 34:21
written 16:13, 55:21
wrote 43:1, 43:2, 49:25

< Y >

yea 73:5
years 30:3
yesterday 10:5, 17:17,
21:11, 48:3
yield 35:15
York 2:7, 30:7, 42:13
yourself 19:15
yourselves 17:18

< Z >

zakat 37:18, 40:1, 40:2,
47:15, 49:5, 49:9, 52:10,
53:19, 55:9, 55:12, 55:24,
57:4, 57:6, 58:4
zakats 40:1, 58:19
zero 54:13